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STATE OF CALIFORNIA.

REVISED

SCHOOL LAW,

APPROVED MARCH 24, 1866.

PUBLISHED BY THE DEPARTMENT OF PUBLIC INSTRUCTION,
FOR THE USE OF SCHOOL OFFICERS.



SACRAMENTO:

O. M. CLAYES, STATE PRINTER.

1866.

STATE OF CALIFORNIA

LEGISLATURE

SCHOOL LAW.

ASSEMBLED IN SENATE, FEBRUARY 18, 1851.

APPROVED FOR THE PUBLICATION OF THIS BOOK BY THE SENATE, FEBRUARY 18, 1851.



PRINTED BY J. W. BAKER, 1851.

REVISED SCHOOL LAW.

AN ACT TO PROVIDE FOR A SYSTEM OF COMMON SCHOOLS.

Approved March 24, 1866.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

STATE BOARD OF EDUCATION.

SECTION 1. There shall be a State Board of Education, which shall consist of the Governor, the Superintendent of Public Instruction, the Principal of the State Normal School, the Superintendent of Public Schools of the City and County of San Francisco, the Superintendents of Common Schools of the respective Counties of Sacramento, Santa Clara, and San Joaquin, and of two professional teachers, who shall be nominated by the Superintendent of Public Instruction, and elected by and with the advice and consent of said Board; *provided*, that no teacher shall be eligible to such election unless he is the holder of a State educational diploma. For the purpose of the primary organization of the Board, any five members may meet at the call of the Superintendent of Public Instruction, and elect the members to be elected. The elective members shall hold office for the term of four years, dating from the first day of July next succeeding their respective elections. The Governor shall be the President, and the Superintendent of Public Instruction the Secretary of the Board, and five members shall constitute a quorum for the transaction of business; *provided*, that a majority of the votes of the whole Board shall be necessary for the passage of any measure. The Board shall meet at the call of the Secretary, and shall hold at least two meetings in each year; and its proceedings shall be kept in a record book, which shall

Board of
Education.

Meetings.

be a part of the archives of the Department of Instruction. No member of said Board shall receive any compensation for his services; but any stationery required for the Board shall be furnished from the office of the Secretary of State, and any printing required by it under the provisions of this Act shall be done by the State Printer.

Powers.

SEC. 2. The State Board of Education shall have power to adopt a course of study, and rules and regulations for all public schools in the State; *provided*, that such rules shall not be enforced in conflict with special rules and regulations adopted by the Board of Education of any city or any city and county; to adopt and prescribe regulations and a list of books suitable for district school libraries; to grant teachers' life diplomas, and prescribe regulations for the examination of teachers by State, City, or County Boards of Examination; to adopt a uniform State series of text books to be used in all public schools; to have and use a common seal; and to authorize the printing by the State Printer of all regulations and circulars necessary to carry their provisions into effect.

OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Election.

SEC. 3. The Superintendent of Public Instruction shall, at the special election for judicial officers to be held in the year eighteen hundred and sixty-seven, and every four years thereafter at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election. He shall be paid a salary of three thousand dollars per annum, and shall have power to appoint a Clerk, who shall be paid a salary of eighteen hundred dollars per annum, and who shall be authorized to act as Deputy Superintendent.

Salary.

Biennial report, and distribution thereof.

SEC. 4. The Superintendent of Public Instruction shall report to the Governor biennially on the first of November of the years in which the regular session of the Legislature is held. The Governor shall transmit said report to the Legislature, and whenever it is ordered published, the State Printer shall bind two hundred and forty copies and deliver them to the Superintendent, who shall deposit twenty copies in the State Library, furnish one copy to each County Superintendent, to be held by him as public property and delivered to his successor in office; the remaining copies shall be distributed—one to the State Library of each State and Territory, and the others to such cities, institutions of learning, and persons, as he may deem proper. The Legislature shall furnish at least two thousand pamphlet copies to the Superintendent, who shall furnish one copy to each district library, and shall distribute the remainder as he may deem advisable to school officers or other persons. Said report shall contain a statement of the condition of public schools in the State; full statistical tables, by counties, showing, among other statistics, the number of school children in the State, the number attending public schools, and the average attendance; the number attending private schools, and the number not attending school; the amount of State School Fund apportioned, and the sources from which derived; the amount

raised by county and district taxes, by rate bills, or from other sources of revenue for school purposes; the amount expended for salaries of teachers, and for building school houses; a statement of plans for the management and improvement of schools; a statement of the condition of the State Normal School, of the State Agricultural College, of all incorporated literary institutions required to report to him; of the educational departments of the State Reform School, the Asylum for the Deaf and Dumb and Blind, and the several Orphan Asylums, and other educational institutions to which State appropriations may be made.

SEC. 5. The Superintendent of Public Instruction, immediately after the State Controller reports to him, as required in this Act, shall apportion to the several school districts, counties, and cities, the school moneys to which each may be entitled, and shall furnish to the State Controller, the State Board of Examiners, to each County Treasurer and Superintendent, an abstract of such apportionment, and shall draw his order on the State Controller in favor of each County Treasurer for the amount of State School Fund to which such county is entitled, and shall take each Treasurer's receipt for the same.

Apportionment of school moneys.

SEC. 6. The Superintendent of Public Instruction shall prepare and cause to be printed suitable forms for making all reports, and conducting all necessary proceedings under this Act, and shall transmit them to the local school officers and teachers, who shall be governed in accordance therewith. He shall furnish the State Board of Education, the State Board of Examination, and each County Board of Examination with suitable diplomas and certificates, and shall prepare a State school register, which shall be furnished to each school and school district in the State. He shall cause all school laws to be printed in a pamphlet form, and shall annex thereto forms for making reports and conducting school business; the course of study, rules and regulations, and list of text books and library books adopted and prescribed by the State Board of Education; and such suggestions on school architecture as he may deem useful, with such woodcuts and plans of school houses as he may be able to obtain, or which may be provided by State appropriation. He shall order printed a number of copies sufficient to supply each school officer and teacher, and each school library with at least one copy thereof, and to furnish with one copy each Superintendent of Public Instruction, and each State Library of each State and Territory in the United States, and shall so distribute them.

Printing.

SEC. 7. The Superintendent of Public Instruction shall file, arrange, and cause to be bound in a substantial form all valuable printed and manuscript reports in his office relating to the early educational history of this State, and shall cause to be bound all valuable school reports, school journals, and school documents of this and other States which may be sent to his office, and shall retain them as part of the archives of his office; and such sum as may be necessary, not to exceed two hundred and fifty dollars, is hereby annually appropriated and set apart out of the State School Fund, before apportionment, and the Controller is hereby authorized and directed to draw his war-

Appropriations for binding reports, etc.

rant for such sums as may be allowed and audited by the State Board of Examiners for the objects of this section.

Superintendent to visit educational asylums, etc. and report.

SEC. 8. The Superintendent of Public Instruction shall be ex officio one of the Trustees of the Asylum for the Deaf and Dumb and Blind, and of the State Reform School; and shall visit those institutions from time to time to inquire into their management and the systems of instruction pursued therein, and shall make a biennial report thereof. He shall visit the several Orphan Asylums to which State appropriations are made, and report concerning the instruction given to the children therein; and shall also visit, as far as may be practicable, the several incorporated literary institutions in the State, and make such report thereof as he may deem proper.

To make tour for visiting schools.

SEC. 9. It shall be the duty of the Superintendent of Public Instruction to travel in the different counties of the State, so far as is possible without neglecting his other official duties, during at least four months of each year, for the purpose of visiting schools, of consulting with County Superintendents, of lecturing before County Institutes, and of addressing public assemblies on subjects pertaining to public schools; and the actual travelling expenses incurred by the Superintendent in the discharge of this duty shall be allowed, audited, and paid out of the General Fund in the same manner as claims upon said fund are now allowed, audited, and paid; *provided*, that the sum so expended in any one year shall not exceed one thousand dollars; and the sum of two thousand dollars, or so much thereof as may be necessary, is hereby biennially appropriated for payment of the same.

Shall deliver property to successor.

SEC. 10. The Superintendent of Public Instruction shall, at the expiration of his term of office, deliver over, on demand, to his successor, all property, books, documents maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office.

OF THE STATE CONTROLLER.

School Fund accounts, reports, etc.

SEC. 11. The State Controller shall keep a separate and distinct account of the School Fund, and of the interest and income thereof, together with such moneys as may be raised by special State tax, State poll tax, or otherwise, for school purposes. He shall, on or before the first day of February of each year, report to the Superintendent of Public Instruction a statement of the securities belonging to the School Fund, of the moneys in the Treasury subject to apportionment, and the several sources from which they accrued; which reports shall be included in the biennial report of the State Superintendent. He shall draw his warrant on the State Treasurer in favor of any County Treasurer whenever such County Treasurer shall present the order drawn by the Superintendent of Public Instruction in favor of such county, duly indorsed by said County Treasurer.

OF THE STATE TREASURER.

SEC. 12. It shall be the duty of the State Treasurer to receive and hold as a special deposit all school moneys paid into the

Treasury, and pay them over whenever applied for, only on the warrant of the State Controller, issued on the order of the State Superintendent, attested by the seal of the State Board of Education, in favor of each County Treasurer, which orders, duly indorsed by the County Treasurer, shall be the only valid vouchers in the hands of the State Controller for the disbursement of the school moneys; *provided*, that for the payment of subscriptions for a State educational journal, and for binding documents in the office of the Superintendent of Public Instruction, as elsewhere provided in this Act, the bills audited by the State Board of Examiners for such purposes shall be valid vouchers, for which the Controller shall draw his warrant the same as for the orders of County Treasurers. No mileage or allowance of any kind shall be made to any County Treasurer for receiving said school moneys and transporting them to his county.

Payment of
State school
moneys.

COUNTY TREASURER.

SEC. 13. It shall be the duty of the County Treasurer of each county:

Duty as to
School Funds

First—To receive and hold all school moneys as a special deposit, and to keep a separate account of their disbursement to the several school districts which shall be entitled to receive them, according to the apportionment of the Superintendent of Public Instruction and the County Superintendent of Common Schools;

Second—To notify the County Superintendent of Common Schools of the amount of State School Fund in the County Treasury subject to apportionment, and whenever required, to inform said Superintendent of the amount of school moneys subject to apportionment;

Third—To pay all warrants drawn on State or county school moneys, in accordance with the provisions of this Act, whenever such warrants are countersigned by the County Auditor and properly indorsed by the holders;

Fourth—To make annually, on or before the first day of August, a financial report for the last preceding school and fiscal year, to the Superintendent of Public Instruction, in such form as may be required by him.

COUNTY SUPERINTENDENT.

SEC. 14. A County Superintendent of Common Schools shall be elected in each county, at the general election in the year eighteen hundred and sixty-seven, and every two years thereafter, who shall take office on the first Monday in March next succeeding his election, and hold for two years, and until his successor is elected and qualified. He shall take the oath or affirmation of office, and shall give an official bond to the county, in a sum to be fixed by the Board of Supervisors of said county.

Election,
term of office,
and bond.

SEC. 15. The County Superintendent shall apportion all school moneys to the school districts in accordance with the provisions of this Act, as soon as practicable after the State apportionment has been made, and shall make quarterly apportionments thereafter; and he may make apportionments at such

Apportion-
ment of
school
moneys.

other times as may be required by special laws, or deemed necessary for the convenience of school officers. He shall draw his warrant on the County Treasurer in favor of persons entitled to receive the same; *provided*, that no such warrant shall be drawn against the School Fund of any city, town, or district, without an order of the Board of Trustees, or Board of Education, showing for what purpose the money is required; and, *provided*, further, that no such warrant shall be drawn unless there is cash in the Treasury to the credit of said city, town, or district.

Warrants.

Duties.

SEC. 16. The County Superintendent shall have power and it shall be his duty:

First—To visit each school in his county at least once a year;

Second—To distribute promptly all reports, forms, laws, circulars, and instructions which he may receive for the use of school officers from the Department of Instruction or the State Board of Education;

Third—To report to the Superintendent of Public Instruction annually, on or before the twentieth of August, for the school year ending on the last day of June next preceding, such statistics as may be required by him or by the State Board of Education;

Fourth—To preside over County Teachers' Institutes;

Fifth—To enforce the course of study and the use of text books adopted by the State Board of Education;

Sixth—To enforce the rules and regulations required in the examination of teachers;

Seventh—To keep on file and preserve in his office the biennial reports of the Superintendent of Public Instruction, and a file of the State educational journal adopted in pursuance of law;

Eighth—To keep a record of his official acts, and of the acts of the County Board of Examination;

Ninth—To carefully preserve all reports of school officers and teachers, and at the close of his official term deliver to his successor all records, books, documents, and papers belonging to the office, taking a receipt for the same, which shall be filed in the office of the County Clerk.

Penalty for failure to make reports.

SEC. 17. If the County Superintendent fails to make a full and correct report to the Superintendent of Public Instruction of all statements required to be made by law, he shall forfeit the sum of one hundred dollars from his salary; and the Board of Supervisors are hereby authorized and required to deduct therefrom the sum aforesaid, upon information from the Superintendent of Public Instruction that such returns have not been made.

No fee for administering oath.

SEC. 18. The County Superintendent shall have power to administer oaths and affirmations to School Trustees, Marshals, Assessors, Collectors, Teachers, and other persons, in all official matters connected with or relating to schools, but shall not have power to make or collect any charge or fee for so doing.

Appointment of District Trustees.

SEC. 19. The County Superintendent shall have power and it shall be his duty to appoint Trustees for any district which from any cause fails to elect at the regular time; to appoint Trustees to fill vacancies; to appoint Trustees for any new district; *provided*, however, that when a new district is organized, such of the Trustees of the old district as reside within the

limits of the new one shall be Trustees of the new one, and the vacancy in the old district shall be filled by appointment.

SEC. 20. The Superintendent shall, whenever he deems it necessary for the health or comfort of pupils, require the Trustees of any school district to repair the school buildings or property, or to abate any nuisance in or about the premises; *provided*, such repairs or abatement can be done for a sum not exceeding fifty dollars, and there is a sufficient amount of money in the Treasury to the credit of the district. He shall also in all cases require the Trustees to provide such privies and outhouses as decency requires; and if the Trustees refuse or neglect to make such provision, he shall cause it to be done, and shall pay for it on his own warrant out of any money to the credit of the district.

Repairs, outhouses, etc.

SEC. 21. Whenever the number of school districts in any county is ten or more, the County Superintendent shall hold at least one Teachers' Institute in each year; and every teacher employed in a public school in the county shall attend every such Institute and participate in its proceedings. Each session of a County Institute shall continue not less than three nor more than five days; and the Superintendent shall, if practicable, secure lecturers and instructors competent to instruct teachers in the theory and practice of teaching. Every Board of Trustees and every Board of Education shall not only allow but shall require the teachers in its employ to attend every Teachers' Institute held in the county; and when the Institute is held during the time that teachers may be employed in teaching, their pay shall not be diminished by reason of attendance on said Institute. For the payment of the expenses of the Institute, a sufficient sum, not exceeding one hundred dollars in any one year, shall be paid on the warrant of the Superintendent, out of the unapportioned County School Fund. The Superintendents of two or more counties may unite and hold a joint Institute, in which case the expenses shall be apportioned by the Superintendents between the counties joining in the Institute. In any county in which there are less than ten school districts, the Superintendent may, if he deem proper, hold an Institute. Any county in which the teachers have a regularly organized County Association or Institute, and hold regular monthly meetings during the year, shall be excepted from the provisions of this section whenever a majority of the teachers of said county shall determine by vote to sustain such monthly associations.

Teachers' Institutes.

Payment of expenses.

SEC. 22. The County Superintendent shall furnish his office with such works on school architecture as may be prescribed by the State Board of Education, and shall pay for them on his own warrant, out of the unapportioned County School Fund. Such works shall be kept in his office for the use of Trustees and teachers. Except in cities having special Boards of Education, no school house shall be erected unless the Trustees first submit the plan to the County Superintendent; and in all plans, as far as practicable, regard shall be had to taste, convenience, durability, and economy.

Works on school architecture

District schools to be kept open.

SEC. 23. If at any time when there is sufficient money in the County Treasury to the credit of any school district to keep a school open in said district for a period of five months, and if the Trustees of such district, from any cause whatever, fail, neglect, or refuse to open such school, and keep it open, the County Superintendent shall appoint a teacher, and cause the school to be opened and kept open, and he shall pay therefor by his warrant on the fund to the credit of the district.

Payment of claims.

SEC. 24. It shall be the duty of the County Superintendent of each county to draw his warrant on the County Treasurer for any bill in favor of any school district, duly signed by the Trustees and authorized by the provisions of this Act, and to draw his warrant in his own favor on the unapportioned county school money for the payment of members of the County Board of Examination; for the expenses of an annual County Institute; for the binding of school documents, not to exceed twenty dollars a year; for postage and expressage for his office, not to exceed one dollar for each district in his county; and for any other incidental expense of his office which may be authorized in this Act.

Boundaries of school districts.

SEC. 25. It shall be the duty of every County Superintendent to inquire and ascertain whether the boundaries of school districts in his county are definitely and plainly described in the records of the Board of Supervisors; and to keep in his office a full and correct transcript of such boundaries. In case the boundaries of districts are conflicting or incorrectly described, he shall change, harmonize, and describe them, and make a report of such action to the Supervisors; and on being ratified by the Supervisors, the boundaries and descriptions so made shall be the legal boundaries and descriptions of the districts of that county. For searching and transcribing such records, and equalizing district boundaries, he may be allowed by the Supervisors a sum not exceeding five dollars per day for each day's labor, to be paid out of the County School Fund. The County Superintendent, if he deem it necessary for the guidance of School Census Marshals, may order the descriptions of the district boundaries to be printed in pamphlet form, and pay for the same out of the County School Fund.

Salary, and travelling expenses of Superintendent.

SEC. 26. Each County Superintendent, except when otherwise provided by statute, shall receive such salary and his reasonable travelling expenses, to be estimated by the Board of Supervisors, and as may be allowed by the Board of Supervisors, which shall be paid out of the County General Fund in the same manner as other salaried county officers are paid; *provided*, that such compensation shall not be less than a sum equal to twenty dollars for each school district in his county, and that he shall be allowed, in addition to his salary, a sum for postage and expressage, payable out of the County School Fund, equal to one dollar for each school district.

OF SCHOOL DISTRICTS.

School district.

SEC. 27. Each county, or city, or incorporated town, shall constitute one school district, unless districts are otherwise

determined and established by the Board of Supervisors or the proper city authorities.

SEC. 28. For the purpose of organizing a new district, or for a subdivision of or change in the boundaries of an old one, except as provided in section twenty-five, at least ten heads of families must present a petition to the County Superintendent, setting forth the boundaries of the new district asked for, or the change of boundaries desired, with reasons for the same. The County Superintendent shall transmit the petition to the Board of Supervisors, with his approval or disapproval, and such changes in the boundaries as he may deem necessary or advisable. The Supervisors shall establish the district as approved by the County Superintendent; *provided*, that by a unanimous vote of the whole Board they may establish the district in accordance with the original prayer of the petition, or with such modifications as they may choose to make, or may reject it.

Organization of school districts.

SEC. 29. No new district formed by the subdivision of an old one shall be entitled to any share of the public moneys belonging to the old district until a school has been actually commenced in such new district; and unless within four months from the action of the Supervisors a school is opened, then the action making a new district shall be void; and all elections or appointments of Trustees made in consequence of such action, and all rights and offices of the parties so elected or appointed, shall cease and determine; and all taxes which may have been levied in such old district shall be valid and binding upon the real and personal property of the new district, and shall be collected and paid into the School Fund of the district.

Division of money between old and new districts.

SEC. 30. When a new district is formed by the division of an old one, it shall be entitled to a just share of the school moneys to the credit of the old district, after the payment of all outstanding debts at the time when a school was actually commenced in such new district; and the County Superintendent shall divide and apportion such remaining moneys, and such as may afterwards be apportioned to the old district, according to the number of census children resident in each district, for which purpose he may order a census to be taken.

SEC. 31. Whenever a district is formed lying partly in two adjoining counties, the Census Marshal shall report to each County Superintendent the number of children in the district residing in his county. In the same manner the Trustees and teacher shall make a distinct and separate report of all school statistics; and a teacher's certificate granted by the Board of Examination of one county shall be valid for both counties.

District lying in two counties.

SEC. 32. Any two or more adjoining districts may, by concurrent vote, agree to establish a union grammar school for the more advanced children of such districts, under the joint supervision of the Trustees, or a committee of Trustees of such districts; and such school shall be entitled to its pro rata of public moneys belonging to such united districts, apportioned according to the average number of scholars attending such school from each district. Said joint committee of Trustees shall have power to assess rate bills, to appoint teachers, and to manage the general business affairs of the school.

Union grammar schools.

School prop-
erty exempt
from tax, etc.

SEC. 33. All school property owned by any district, town, or city, and devoted to school purposes, shall be and the same is hereby exempted from taxation, and from sale on any execution, or other writ or order in the nature of an execution.

Custody and
disposition
of school
property.

SEC. 34. The Board of Trustees of each school district shall have custody of all school property belonging to the district, and shall have power in the name of the district, or in their own names as Trustees of the district, to convey by deed all the interest of their district in or to any school house or lot directed to be sold by vote of the district; and all conveyances of real estate made to the district or to the Trustees thereof shall be made to the Board of Trustees of the district, and to their successors in office. Said Board, in the name of the district, shall have power to transact all business necessary for maintaining schools and protecting the rights of the district.

OF SCHOOL ELECTIONS AND TRUSTEES.

Elections.

SEC. 35. An annual school meeting for the election of School Trustees shall be held in each district on the last Saturday in June of each year, at the district school house, if there be one, and if there be none, at a place to be designated by the Board of Trustees. The Trustees shall post written or printed notices thereof, specifying the day, time, and place of meeting, in at least three public places in the district, one of which shall be the school house, at least five days previous to the time of meeting. If the Trustees fail to give notice thereof, as required, then any citizen of the district may give it; but no such meeting shall be illegal for want of due notice. All elections shall be held by ballot; and the Trustees shall have power to determine the hours during which the ballot box shall be kept open, having given due notice thereof in the posted notice of election. Every elector legally qualified to vote at any general election, having been a resident of the school district thirty days next previous to the time of such district election, shall be entitled to vote. Any person offering to vote may be challenged by any legally qualified elector of the district, and the Judge of Election shall thereon administer to the person challenged an oath in substance as follows: "You do swear [or affirm] that you are a citizen of the United States; that you are twenty-one years of age, according to the best of your information and belief; that you have resided in this State six months next preceding this election, and in this school district thirty days, and that you have not before voted this day." If he shall refuse to take the oath, his vote shall be rejected; and any person guilty of illegally voting shall be punished as provided in the general election law of this State. The Trustees shall appoint the Inspector and Judges of Election; and in case none are so appointed, or if they are not present at the time for opening the polls, then the electors present may appoint the officers of election. A poll and tally list shall be kept, which shall be returned to the Clerk of the Board of Trustees; and with the exceptions mentioned in this section, the election shall be conducted, as far as practicable, in the form and manner of the general election. Any one of the old Trustees shall have power

to administer to any Trustee elect the oath of office; and the Clerk of the Election shall issue his certificate of election to any Trustee elect, who shall forward it, with the oath attached or indorsed thereon, to the County Superintendent of Public Schools.

SEC. 36. In all organized districts in which elections have been previously held, one Trustee shall be elected for the term of three years, and if there are vacancies to be filled, a sufficient number to fill them for the unexpired terms; and the ballots shall specify the respective terms for which each Trustee is to be elected. In new districts, acting under Trustees appointed by the County Superintendent, three Trustees shall be elected, for one, two, and three years respectively. Trustees elect shall take office on the first Saturday in July next after their election, and shall hold office until their successors are elected and qualified, or appointed by the County Superintendent and qualified. The term of office of any Trustee whose term would otherwise expire in September of any year, shall expire on the first Saturday in July of the same year. Any Trustee elect who shall fail to qualify within ten days after the term of office commences shall forfeit all right to the office, and the County Superintendent shall appoint to fill the vacancy.

Term of office
of Trustees.

SEC. 37. Whenever any new district is formed by ordinance of the Board of Supervisors, within thirty days thereafter a special school meeting may be called by notice of any three legal voters of said district, and such meeting shall be conducted in the manner and form provided in this Act for the annual school meeting for the election of Trustees. Such new district shall be considered organized whenever any two of the Trustees elected shall have qualified, and the record of the District Clerk shall be prima facie evidence of the legal organization of the district. The name of the new district, unless a name shall have been given by act of the Supervisors, may be determined by a majority of voters present at the first election of Trustees; but if at such meeting no name was given, then the Trustees at their first meeting shall name the district, and the Clerk shall record it in his record book.

Organization
of new dis-
tricts.

Name.

SEC. 38. No district school meeting, annual or special, shall be organized before nine o'clock A. M., or closed before twelve o'clock M., or kept open less than one hour; and in all districts in which the number of children between five and fifteen years of age equals or exceeds three hundred, the polls shall be kept open from eight o'clock A. M., until sunset.

Meetings.

Polls.

SEC. 39. Each Board of Trustees shall, within ten days after the annual election, meet at the school house, or if that be impracticable, at some other convenient place designated by the District Clerk, and proceed to elect one of their number Clerk of the Board, who shall be known and referred to as "District Clerk," and it shall be his duty to record all proceedings of the Board in a suitable record book, to record in the same book the proceedings of the annual school meetings, or of special school meetings, and to keep an accurate and detailed account of all receipts and expenditures of school moneys. At each annual school meeting the District Clerk shall present his record book for public inspection, and if required, shall make a statement of

Election of
District
Clerk.

Duties.

the financial condition of the district and of the action of the Trustees.

Tax.

✓ SEC. 40. At the annual election for School Trustees, the people of the district may vote a tax, not to exceed half a mill on the dollar of the taxable property of the district, for the purpose of paying any debt of the district, or for a school library, or for furniture and apparatus, or for all or any of these together; and the tax so voted shall be levied and collected as is elsewhere provided in this Act for levying and collecting district taxes voted at special school elections.

Names of districts.

SEC. 41. Every legally organized school district shall be known by the name and style of "—— District, [using the name of the district,] of —— County," [using the name of the county in which such district is situated;] and in that name the Trustees shall be capable of suing and being sued in all Courts and places whatever, and of holding and conveying real estate for the use and benefit of such district, and such personal property as may be proper. If any school district has not heretofore been named as herein required, but has been designated only by number, the Trustees shall give it a name, and the District Clerk shall record it in the record book, and notify the County Superintendent of such action. In counties having several districts designated by different numbers of the same name, District Number One shall retain the name, and the others shall be given a different name each; and in case two districts in any county have the same name, the County Superintendent shall have power to change the name of either or both; and a number shall no longer be used as a part of the designation of any school district.

Powers and duties of Boards of Trustees and of Education

SEC. 42. Every Board of Trustees and any Board of Education in any city, city and county, or town, unless otherwise expressly provided by law, shall have power and it shall be their duty:

First—To employ and dismiss teachers, janitors, School Census Marshals, mechanics, and laborers, and to fix, alter, allow, and order paid their salaries and compensations;

Second—To make and enforce rules and regulations, not in conflict with the general regulations of the State Board of Education, for the government of schools, pupils, and teachers, and to enforce the regulations and course of study adopted in pursuance of State law;

Third—To provide and pay for out of the school moneys, school furniture and apparatus, and such other articles, materials, or supplies as may be necessary for school use, or for the use of the School Board;

Fourth—To suspend or expel pupils from school, and, in cities or large towns, to exclude from school children under six years of age, when the interests of the school require such exclusion;

Fifth—To rent, furnish, repair, and insure school houses;

Sixth—To build school houses, and purchase or sell school lots, when the Trustees may be directed by a vote of the district, and when the Board of Education may be directed by a vote of the Board of Supervisors of the county, or city and county;

Seventh—To purchase personal property, and to receive, lease, and hold in fee, in trust for their district, town, or city, any

and all real or personal property, for the benefit of the schools thereof;

Eighth—To provide books for indigent children, on the written statement of the teacher that the parents of such children are not able to purchase them;

Ninth—To require all pupils to be furnished with suitable books, as a condition of membership in the school;

Tenth—To provide library and cabinet cases;

Eleventh—To exclude from school and from school libraries all books, tracts, papers, or catechisms of a sectarian character;

Twelfth—To require the State series of text books adopted in pursuance of State law to be used exclusively in their schools;

Thirteenth—To require every teacher to keep a State school register;

Fourteenth—To enforce in school the course of study adopted and prescribed by the State Board of Education;

Fifteenth—To require teachers to attend County or City Institutes, and to make such annual reports as may be required by the Superintendent of Public Instruction;

Sixteenth—To make an annual report, on or before the twentieth day of July, to the County Superintendent, in the manner and form and on the blanks prescribed by the Superintendent of Public Instruction;

Seventeenth—To make a report, whenever required, directly to the Superintendent of Public Instruction, of the text books used in their schools;

Eighteenth—To keep a registry in a book or books to be provided for that purpose, of all children applying for and entitled to be admitted in the schools, and to notify the parent or guardian of such children when vacancies occur, and receive such children in the schools in the order in which they may be registered. Such register shall at all times be open to the inspection of the public.

SEC. 43. The Board of Education of each city, or city and county, and the Board of Trustees of each district, shall appoint a School Census Marshal, on or before the first day of June of each year, and notify the County or City Superintendent of such appointment in writing. It shall be the duty of the School Census Marshal to take, annually, in the month of June, an exact census of all children under fifteen years of age. He shall take specifically and separately a census of all white children, Negro children, and Indian children who live under the guardianship of white persons, between five and fifteen years of age, and shall specify the number and sex of such children, and the names of their parents or guardians. All children who may be absent from home, attending colleges, college schools, boarding schools, and private seminaries of learning, shall be included by the Marshal in the census list of the city, town, or district in which their parents or guardians reside, and shall not be taken by the Census Marshal of the city, town, or district where they may be attending such private institutions of learning. The Census Marshal shall further report, separately, the number of white, Negro, and Indian children under five years of age, and the whole number of Mongolian children under fifteen years of age, and also such other statistics as may be required by the Superintendent of

Powers and duties of Boards of Trustees and of Education

Registry of children.

Appointment and duties of School Census Marshal.

Public Instruction or by City Boards of Education. He shall make a full report thereof on the blanks furnished for that purpose, under oath, to the County Superintendent or the City Board of Education, on or before the first day of July next after his appointment, and deliver a copy, if required, to the School Trustees. The Census Marshal shall be paid by the Board of Trustees from the county school money to the credit of the district, in the same manner as other contingent expenses are paid; and Boards of Education in incorporated cities shall audit his bills in the same manner as bills for contingent expenses are audited and paid, unless otherwise provided by law.

Grading of schools.

SEC. 44. Boards of Trustees and Boards of Education shall have power and it shall be their duty to grade their schools, and to organize them into primary, grammar, and high school departments; *provided*, there be means sufficient to maintain all three departments, and to accommodate all children applying for admission into the primary schools; and if not, then the several departments shall be maintained in the order herein named, the primary schools having preference.

To maintain schools for equal length of time.

SEC. 45. It shall be the duty of all Boards of Trustees and Boards of Education to maintain all the schools established by them in any district or city for an equal length of time during the year, and, as far as practicable, with equal rights and privileges; *provided*, in all cases the primary schools shall first be provided for, and shall have the preference.

Supplies and repairs.

SEC. 46. The District Clerk of each district shall provide all school supplies authorized by this Act, and shall keep the school house in repair during the time school is taught therein; and he shall keep an accurate record of all expenses incurred by him on account of the school, which account shall be audited by a majority of the Board, and paid out of the county school moneys of that district.

District Clerk may act as Census Marshal, etc.

SEC. 47. The District Clerk may act as Census Marshal, and as either Assessor or Collector, or as both, of district taxes, in either of which cases he shall be paid the same compensation which would have been allowed by the Board to any other person; and the provision by which no Trustee is allowed to receive compensation for his official services shall not apply.

Supplies to be furnished to schools gratis.

SEC. 48. The District Clerk is hereby required, from time to time, to purchase and furnish to the school, free of charge, such supplies of pens, penholders, pencils, crayons for blackboards, ink, and stationery for the use of pupils as must be used in carrying out the course of study prescribed therein; and the County Superintendent, upon the presentation of proper vouchers, and being satisfied that such supplies were proper, needed, and used in school, shall draw his warrant in favor of the District Clerk for the amount so expended. And in incorporated cities, every Board of Education shall cause to be furnished to the pupils, free of charge, the supplies in this section named, and shall pay for them in the manner provided for the payment of other school expenses.

Use of school moneys.

SEC. 49. The Board of Trustees of any district and Board of Education shall use the school moneys received from State or county apportionment during any school year exclusively for the support of schools for that school year; *provided*, that if at the

end of any school year there be any unexpended balance, it may be used for the payment of any claims against the district outstanding, or it may be used for the year succeeding.

SEC. 50. Any Board of Trustees may use the county school moneys for any of the purposes authorized by this Act; but all State school moneys, except in those cities where it has otherwise been expressly provided by special law, shall be used exclusively for the payment of teachers, excepting the ten per cent reserved for district school library purposes. Use of school moneys.

SEC. 51. Any Board of Trustees shall be liable, as Trustees, in the name of the district, for any judgment against the district for any salary due any teacher on contract, and for all debts legally contracted under the provisions of this Act; and they shall pay such judgment or liabilities out of the school moneys to the credit of such district. Trustees liable for judgment.

SEC. 52. Any Board of Trustees shall have power:

First—To unite two contiguous districts in the same county, or in adjoining counties, and to establish a union school, to be supported out of the funds belonging to their respective districts; and a school thus established shall be governed by a joint Board composed of the Trustees of the combining districts; Union of two contiguous districts.

Second—To make arrangements with the Trustees of any adjoining district for the attendance of such children in the school of either district as may be best accommodated therein, and to transfer the school moneys due by apportionment to such children to the district in which they may attend school.

OF SCHOOLS.

SEC. 53. Every school, unless otherwise provided by special law, shall be open for the admission of all white children between five and twenty-one years of age residing in that school district; and the Board of Trustees or Board of Education shall have power to admit adults and children not residing in the district whenever good reasons exist for such exceptions. Who may be admitted.

SEC. 54. All schools, unless otherwise provided by special law, shall be divided into three grades, viz: first, second, and third. Each County Superintendent shall determine the respective grade or class of the schools of his county, under instructions from the State Board of Education. No person shall be eligible to teach a county school of the first grade, unless the holder of a certificate equal in grade to a first grade county certificate; and no person holding merely a third grade county certificate shall be eligible to teach any school, except one of the third grade. Grades.

SEC. 55. All schools shall be taught in the English language, and instructions shall be given in the following branches in the several grades in which each may be required in the course of study adopted in pursuance of law, viz: reading, writing, orthography, arithmetic, geography, English grammar, history of the United States, physiology, and bookkeeping; and such other studies as may be deemed necessary, may be authorized by the State Board of Education, or Boards of Education of any city, or Course of education.

city and county; *provided*, that no such studies shall be pursued to the neglect or exclusion of the studies herein specified, and that thorough instruction shall first be given in all these branches. Instruction shall be given in all grades of schools, and in all classes, during the entire school course, in manners and morals, and the laws of health; and due attention shall be given to such physical exercises for the pupils as may be conducive to health and vigor of body, as well as mind; and to the ventilation and temperature of school rooms.

Indians.

SEC. 56. Any Board of Trustees, or Board of Education, by a majority vote, may admit into any public school half-breed Indian children, and Indian children who live in white families or under guardianship of white persons.

Negro, Mongolian, and Indian children.

SEC. 57. Children of African or Mongolian descent, and Indian children not living under the care of white persons, shall not be admitted into public schools, except as provided in this Act; *provided*, that upon the written application of the parents or guardians of at least ten such children to any Board of Trustees or Board of Education, a separate school shall be established for the education of such children; and the education of a less number may be provided for by the Trustees in any other manner.

Vote on admission.

SEC. 58. When there shall be in any district any number of children, other than white children, whose education can be provided for in no other way, the Trustees, by a majority vote, may permit such children to attend schools for white children; *provided*, that a majority of the parents of the children attending such school make no objection, in writing, to be filed with the Board of Trustees.

Laws, rules, etc., made applicable.

SEC. 59. The same laws, rules, and regulations which apply to schools for white children, shall apply to schools for colored children.

Sectarian books prohibited.

SEC. 60. No books, tracts, papers, catechisms, or other publications of a sectarian or denominational character, shall be used or distributed in any school, or shall be made a part of any school library; neither shall any sectarian or denominational doctrine be taught therein; and any school district, town, or city, the officers of which shall knowingly allow any schools to be taught in violation of these provisions, shall forfeit all right to any State or county apportionment of school moneys; and upon satisfactory evidence of such violation, the State Superintendent and County Superintendent shall withhold both State and county apportionments.

Duration of school sessions.

SEC. 61. For the purpose of protecting the health of young children, it is hereby provided that no school in which the average age of the pupils does not exceed eight years shall be continued in session more than four hours a day, exclusive of intermission; and no school whatever shall be continued in session more than six hours a day, exclusive of an intermission at noon; and no pupil under eight years of age shall be kept in school more than four hours per day; and any violation of the provisions of this section shall be treated in the same manner as a violation of section sixty.

OF PUPILS.

SEC. 62. Pupils shall be admitted into the schools in the order in which they apply to be registered; and all pupils who may be admitted into public schools shall comply with the regulations established in pursuance of law for the government of such schools, shall pursue the required course of study, and shall submit to the authority of the teachers of such schools. Continued and wilful disobedience, and open defiance of the authority of the teacher, shall constitute good cause for expulsion from school; and habitual profanity and vulgarity, good cause for suspension from school. Any pupil who shall in any way cut, deface, or otherwise injure any school house, fences, or out-buildings thereof, shall be liable to suspension and punishment; and the parents of such pupil shall be liable for damages, on complaint of the teacher or Trustees.

Admission to school, suspension and expulsion.

OF TEACHERS.

SEC. 63. Every teacher employed in any public school shall make an annual report to the County Superintendent, on or before the tenth day of July next after the close of each school year, in the form and manner and on the blanks prescribed by the Superintendent of Public Instruction. A duplicate of such report, when required by the Trustees, shall be furnished to the District Clerk. Any teacher who shall end any school term before the close of the school year, shall make a report to the County Superintendent immediately after the close of such term; and any teacher who may be teaching any school at the close of the school year, shall, in his or her annual report, include all statistics from the school register for the entire school year, notwithstanding any previous report for a part of the year. Teachers shall make such additional reports as may be required in pursuance of law by the State or by City Boards of Education. No County Superintendent, or City Superintendent, or Board of Education, or Board of Trustees, shall draw any order or warrant for the salary of any teacher for the last month of his or her services, until the reports herein required shall have been made and received.

To make reports.

Withholding of salary.

SEC. 64. Every teacher shall keep a State school register, in the manner provided therefor; and no County Superintendent shall draw any warrant for the salary of any teacher for the last month of his or her services in school at the end of any term or year until he shall have received a certificate from the District Clerk that the said register has been properly kept, the summaries made, and the statistics entered; or until, by personal examination, he shall have satisfied himself that it has been done. Teachers shall faithfully enforce in school the course of study and the regulations prescribed in pursuance of law; and if any teacher shall wilfully refuse or neglect to comply with such requisitions, then the County Superintendent shall be authorized to withhold any warrant for salary due until such teacher shall comply therewith.

To keep State School Register.

Withholding of salary.

SEC. 65. No teacher shall be entitled to draw for salary any school moneys, unless such teacher shall be employed by a ma-

Salary.

majority of the Trustees; nor unless the holder of a legal State, city, or county teachers' certificate, in full force and effect.

Contracts.

Definition of
"school
month."

SEC. 66. In every contract, whether written or verbal, between any teacher and any Board of Trustees, except in incorporated cities, a school month shall be construed and taken to be twenty school days, or four weeks of five school days each; and no teacher shall be required to teach school on Saturday, the Fourth Day of July, the First Day of January, Christmas Day, the days of the general election and special judicial election, and such days of fasting or thanksgiving as may be appointed by the President of the United States, or the Governor of this State; and no deduction from the teacher's time or wages shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught. Any contract made in violation of the provisions of this section shall have no force or effect as against the teacher.

Disorderly
conduct, and
suspension
of pupils.

SEC. 67. Every teacher shall have power to hold every pupil to a strict accountability, in school, for any disorderly conduct on the way to or from school, or on the play grounds of the school, or during intermission or recess, to suspend from school any pupil for good cause; *provided*, that such suspension shall be reported by the teacher to the Trustees as soon as practicable; and if such action is not sustained by them, the teacher may appeal to the County Superintendent, whose decision shall be final, whether for or against expulsion.

Appeal in
revocation of
certificate.

SEC. 68. In all cases of the revocation of a certificate, the teacher shall have the right of appeal from any City or County Board of Examination to the State Board of Examination; and upon the revocation of a State diploma or certificate, to the State Board of Education.

Dismissal.

SEC. 69. In case of the dismissal of any teacher before the expiration of any written contract entered into between such teacher and Trustee, for alleged unfitness, or incompetence, or violation of rules, the teacher shall have the right of appeal to the County Superintendent, and if such County Superintendent shall decide that the removal was made without good cause, the teacher so removed shall be reinstated in school, and shall continue during the time of contract. Any teacher whose salary is withheld in pursuance of the provisions of this Act, shall have the right of appeal to the Superintendent of Public Instruction, whose decision shall be final.

Teachers to
instil moral
and patriotic
principles.

SEC. 70. It shall be the duty of all teachers to endeavor to impress on the minds of their pupils the principles of morality, truth, justice, and patriotism; to teach them to avoid idleness, profanity, and falsehood; and to instruct them in the principles of a free government, and to train them up to a true comprehension of the rights, duties, and dignity of American citizenship.

STATE NORMAL SCHOOL.

Trustees.

SEC. 71. The members of the State Board of Education, except the Principal of the State Normal School, are hereby constituted *ex officio* the Board of Trustees of the State Normal School.

SEC. 72. The Board of Trustees of the State Normal School shall have power to establish and continue a State Normal School in the City of San Francisco, for the purpose of furnishing free instruction to such persons residing in this State as may desire to prepare themselves for the profession of teaching, and to teach in the public schools thereof. Said Board shall have full powers to prescribe a course of study for such normal school, and the text books to be used therein; to examine, employ, and fix the salaries of teachers therein; to hold stated examinations of the pupils attending such normal school, and to award diplomas as hereinafter provided; to arrange and effect all the details necessary to conduct such normal school; and to make all the regulations and by-laws necessary for the good government and management of the same. Males over seventeen years of age, and females over fifteen years of age, may be admitted as pupils of said school; *provided*, that every applicant shall undergo an examination in such manner as may be prescribed by the Board; such person having first filed a certificate with the Principal of intention to engage in the occupation of teaching in the public schools of this State. The seats in said school shall be apportioned among the applicants therefor from the different counties of this State, as near as may be in proportion to the representation of such counties in the State Legislature.

Powers and duties.

Apportionment of seats

SEC. 73. The Board of Normal School Trustees shall have power to determine the course of study, and the time and standard of graduation, and to issue diplomas; and such diplomas shall entitle the holders to receive a State certificate or diploma, the grade of which shall be determined by the State Board of Examination. Said Board shall have power to organize and maintain a training school, in which the advanced pupils of the normal school shall be required to teach classes of pupils under the supervision and direction of experienced teachers, capable of giving instruction in the best methods of conducting primary schools.

Powers and duties.

SEC. 74. The Superintendent of Public Instruction shall be the executive agent and Secretary of the Board of Trustees of the Normal School. He shall visit the school from time to time, inquire into its condition and management, enforce the rules and regulations of the Board, require monthly reports of the teachers, prescribing the form thereof, and exercise a general supervision over the school, and shall make in his biennial report a statement of receipts and expenditures, and of the management of the school.

Executive agent, and Secretary of Trustees.

SEC. 75. It shall be the duty of the Principal of the Normal School to make a detailed annual report to the Board of Trustees, with a catalogue of pupils, and such other statistics as the Board may require or as he may think useful; and such report may be ordered printed under the provisions of this Act; and if printed, it shall be the duty of the Principal to furnish a copy thereof to each Normal School in the United States. It shall be the duty of the Principal, authorized by the Board, to attend County Institutes, and lecture before them on subjects relating to public schools and the profession of teaching. All

Principal to report, lecture, etc.

teachers of the normal school shall be under the general laws of this State applying to public school teachers.

Meetings of Board, etc.

SEC. 76. The Board of Normal School Trustees shall hold at least two meetings each year, the time and place to be determined by the Board; but special meetings may be called by the Secretary of the Board, upon written notice to each member. The Governor shall be ex officio Chairman, and five members shall constitute a quorum; *provided*, that a majority of all the members of the Board shall be necessary for the election of teachers or for fixing their salaries. The monthly salaries of teachers and bills for incidental expenses may be audited by an Executive Committee of three, appointed by the Board. No member of said Board shall be entitled to any compensation for official services. The record book of the Board shall be kept in the office of the Superintendent of Public Instruction.

Appropriation.

SEC. 77. The sum of sixteen thousand dollars is hereby appropriated biennially out of any moneys in the General Fund not otherwise appropriated, which said appropriation shall be set apart at the commencement of each fiscal year to support the State Normal School; and the Controller is hereby directed to draw his warrants from time to time on the State Treasurer, payable out of said appropriation, and the unexhausted remainder, if any, of any prior appropriation, for such claims or accounts as have been audited by the Board of Trustees of the State Normal School, or the Executive Committee thereof, and the Board of Examiners; *provided*, the aggregate of warrants so drawn shall not exceed in any one fiscal year one half the appropriation herein made for such years, together with the remainder of unused appropriations, if any, of any previous fiscal year or years; and whenever at the expiration of any fiscal year a balance remains to the credit of the State Normal School Fund, such balance shall be carried forward and be added to the appropriation for the succeeding year.

OF SCHOOL DISTRICT LIBRARIES.

Library Fund, and how applied.

SEC. 78. Every County Superintendent and every County Treasurer shall set apart ten per cent of each annual apportionment of State School Fund for each district as a "District School Library Fund" for that district; and said fund shall be used for no other purpose; *provided*, that when ten per cent exceeds fifty dollars, only fifty dollars shall be so set apart; and further, *provided*, that when ten per cent is less than ten dollars, and no library has been previously formed, the money shall remain in the Treasury until subsequent apportionments or donations shall equal that sum. The Board of Trustees of each district shall procure a suitable library case, and shall expend the entire ten per cent set apart as a Library Fund, together with such sums as may be added thereto by subscription or donation, in the purchase of such books for the library as may be authorized by the State Board of Education. If the Trustees neglect or refuse to purchase such books, then it shall be the duty of the County Superintendent to expend the Library Fund to the credit of such district, and pay for the books on his own warrant.

SEC. 79. The Trustees shall have the same control over the library as over other school property, and shall appoint the teacher, or the District Clerk, or some other suitable person, to act as Librarian; and whenever practicable and safe, the library shall be kept in the school house of such district. Librarian.

SEC. 80. It shall be the duty of the State Board of Education to prepare a list of books suitable for school libraries, in which no works of a sectarian character shall be included, and which may be from time to time amended, revised, and enlarged, and to prepare uniform rules and regulations for the government of district libraries, and to prescribe penalties, fines, and conditions of membership. List of books

SEC. 81. The Trustees shall be held accountable for the proper care and preservation of the library, and shall have power to assess and collect all fines, penalties, and fees of membership, and to make all needful rules and regulations not provided for by the State Board of Education, and not inconsistent therewith; and they shall report annually to the County Superintendent all library statistics which may be required by the blanks furnished for that purpose by the Superintendent of Public Instruction. Government and preservation of library.

SEC. 82. Trustees may receive donations of books, maps, or charts from any person; *provided*, no books of a sectarian character shall be placed in the library, and that any such books found therein shall be removed by order of the County Superintendent. The library shall be free to all pupils of suitable age belonging to the school; but any resident of the district may become entitled to its privileges upon the payment of such a sum of money for life membership, or such annual or monthly fee as may be prescribed by the Trustees. Donations and dues.

SEC. 83. In cities not divided into school districts, or in any incorporated towns or cities, or county and city, the provisions of the preceding sections relating to the setting apart of ten per cent of the State School Fund as a Library Fund shall not apply; but the sum of fifty dollars—not to exceed ten per cent of the State apportionment—shall be set apart as a Library Fund by the Board of Education for every five hundred children between the ages of five and fifteen years within the limits of such city, and expended as provided in other cases for the formation of school libraries. Not applicable to incorporated towns or cities.

OF AN EDUCATIONAL JOURNAL.

SEC. 84. It shall be the duty of the Superintendent of Public Instruction to annually subscribe for a sufficient number of copies of some monthly journal of education, to supply each County Superintendent, City Superintendent, District Clerk, and each district school library, with one copy thereof. Said journal shall be designated by the State Board of Education, and shall be a journal devoted exclusively to educational purposes, and published monthly, in California. The Superintendent of Public Instruction shall be one of its editors, and it shall contain, as a condition of such subscriptions by the State, a department of public instruction, in which shall be published the decisions, circulars, instructions, and apportionments of school funds made Subscription

by the Superintendent of Public Instruction and the State Board of Education, together with a monthly report of the State Normal School. The subscription price paid for each annual subscription of twelve monthly copies shall not exceed one dollar and fifty cents; and the State Board of Education shall have power to reduce the rate whenever said journal can be creditably sustained at a lower rate. At the beginning of each school year the Superintendent of Public Instruction shall draw his order on the State Controller for an amount sufficient to pay for such subscriptions in favor of such journal, which order shall be certified by the State Board of Education, and allowed by the State Board of Examiners, whereupon it shall be the duty of the State Controller to draw a warrant on the State Treasurer, payable out of any unapportioned school moneys in the Treasury.

Price.

Payment.

Appropriation for State Teachers' Institute. SEC. 85. The Superintendent of Public Instruction shall annually convene and preside over a State Teachers' Institute, which shall continue in session not less than three nor more than five days. The sum of five hundred dollars is hereby appropriated biennially out of any unappropriated moneys in the General Fund, for the purpose of defraying the necessary expenses of such annual institutes.

STATE BOARD OF EXAMINATION.

Board of Examination. SEC. 86. There shall be a State Board of Examination, consisting of the Superintendent of Public Instruction, who shall be ex officio Chairman, and four professional teachers, who shall be appointed by the Superintendent of Public Instruction; *provided*, that no person shall be eligible to such appointment unless he holds a State educational diploma. The Board shall meet at such times and places as may be designated by the Chairman, and shall hold at least two sessions in each year. It shall have power to grant certificates of the following grades, to wit: State educational diplomas, valid for six years; State certificates, first grade, valid for four years; second grade, valid for two years; third grade, valid for one year.

Manner of examination SEC. 87. Every applicant for a State diploma, or for a State certificate of the first or second grade, shall be critically examined, by written or printed questions, and by additional oral examination, in algebra, arithmetic, English grammar, English composition, geography, history of the United States, school law of California, physiology, natural philosophy, orthography, defining, penmanship, Constitution and Government of the United States, reading and elocution, and theory and practice of teaching. Extra credits may be given for ability to teach drawing, vocal or instrumental music, and school calisthenics. For success and experience in teaching, extra credits may be allowed, as the State Board of Education may determine. Certificates shall be issued to such persons only as, in addition to passing examination in the studies herein specified, shall have given evidence of good moral character and fitness for the profession of teaching. State educational diplomas shall be issued to such persons only as shall have been employed in the occupation of teaching at least three years; and the holders of said diplomas shall be eligi-

Certificates and diplomas

ble to teach in any public school in the State, except high schools in which the ancient and modern languages are required to be taught by such teachers. State certificates of the first grade shall entitle the holders to teach in county schools of the first grade, and in all grammar schools. State certificates of the second grade shall entitle the holders to teach in second grade schools, and as assistants in grammar schools. State certificates of the third grade shall entitle the holders to teach in any primary school. The standing in each study of each successful applicant shall be indorsed upon the back of his or her diploma or certificate, together with his or her total percentage and relative standing in the class. The State Board of Examination shall have power to revoke, for immoral or unprofessional conduct, or habitual profanity, intemperance, cruelty, or evident unfitness for the profession of teaching, any diploma or certificate granted by it, and to renew all State certificates at the expiration of the time for which they were granted. Revocation.

SEC. 88. All regularly issued State Normal School diplomas from any State Normal School in the United States, and all life diplomas granted by the State Board of Examination in any of the United States, shall be recognized by the State Board of Examination of this State as prima facie evidence of fitness for the profession of teaching; and the said Board shall, on application of the holders thereof, proceed to issue without examination, State certificates, the grade to be fixed at the option of the Board; *provided*, in all cases satisfactory evidence be given of good moral character and correct habits. All applicants for State diplomas or certificates shall pay an examination fee of two dollars, which shall be appropriated to the support of the State educational journal. Diploma shall be evidence of fitness.

SEC. 89. In order to elevate the profession of teaching and advance the interests of public schools, the State Board of Education shall grant teachers life diplomas, which shall remain valid during the life of the holder, unless revoked by the said Board for immoral or unprofessional conduct, or want of qualifications to teach. Said diploma shall be granted to such persons only as shall have taught one year successfully after receiving a State educational diploma from the State Board of Examination, or who shall have held for one year after receiving a State diploma the office of State, City, or County Superintendent. Applicants for life diplomas shall file with the State Board of Examination certificates of their success in teaching; and said Board, after due consideration and examination, shall present the application to the State Board of Education with a recommendation either for or against its being granted. The State Board of Education may recognize the life diplomas of other States of the United States, and issue to the holders thereof life diplomas of this State. Each applicant for a State life diploma shall pay the sum of five dollars to defray the expense of filling out and issuing the diploma. Examination fee.

COUNTY BOARDS OF EXAMINATION.

How
composed.

SEC. 90. There shall be in each county a County Board of Examination, which shall be composed of the County Superintendent, who shall be ex officio Chairman, and of a number of teachers, not to exceed three, to be appointed by him, who shall hold office for one year from the first of July next succeeding their respective appointments; but no person shall be appointed unless he holds either a State diploma, or a first grade State or county certificate. The Superintendent shall fill vacancies that occur from absence or other cause; and if he cannot find any teacher in his county qualified under the provisions of this section willing to serve, he shall conduct the examination himself. The Board shall meet at such times and places as may be designated by the Chairman, and shall hold a session at least as often as once in every three months, and during any Teachers' Institute held in the county. The Superintendent of Public Instruction shall, ex officio, be a member of all County Boards of Examination. The members of said Board shall each be paid for their services a sum not exceeding three dollars, in addition to actual travelling expenses, for each session of said Board, to be paid out of the unapportioned County School Fund, on the warrant of the County Superintendent; *provided*, that this compensation shall be paid only at the regular quarterly examinations, and that whenever said Board shall hold sessions at any other time, no compensation shall be allowed from the county; but in cases of such special examinations said Board may charge an examination fee not exceeding two dollars for each applicant.

Meetings
and compen-
sation.

Certificates.

SEC. 91. The County Board of Examination shall have power to grant certificates of three grades, to wit: county certificates, first grade, valid for three years, and authorizing the holder to teach a grammar school or a school of the first grade in the county; county certificates, second grade, valid for two years, and authorizing the holder to teach a second grade school in the county; county certificates of the third grade, valid for one year, and authorizing the holder to teach a third grade school in the county. Third grade certificates shall be granted to female teachers only. Certificates shall be issued to such persons only as shall have given evidence of good moral character, of fitness for teaching, and of ability to impart their knowledge.

Qualifica-
tions neces-
sary to pro-
cure.

SEC. 92. Certificates of the first grade shall be issued to those only who have passed a satisfactory examination in orthography, defining, reading, penmanship, physiology, natural philosophy, English composition, arithmetic, algebra, geography, grammar, history of the United States, the school law of California, and theory and practice of teaching. Certificates of second grade shall be issued to those only who have passed a satisfactory examination in all of the above subjects, except natural philosophy and algebra. Extra credits may be given in all grades for ability to teach drawing, vocal or instrumental music, calisthenics, and other branches, as may be determined by the State Board of Education. All examinations in written arithmetic, algebra, orthography, defining, grammar, history of the United States, and Constitution and Government of the United States, shall be conducted in writing, and at least ten questions shall

be submitted in each separate study. The standing of each applicant in each study shall be indorsed on the back of each certificate, together with the total percentage and relative standing in the class. The County Board shall have power, without examination, to renew certificates, and to revoke, for immoral or unprofessional conduct, or habitual profanity, intemperance, cruelty, or evident unfitness for the profession of teaching, any county certificate.

CITY BOARD OF EXAMINATION.

SEC. 93. In every city having a Board of Education governed by special laws there shall be a City Board of Examination for determining the qualifications of teachers, which shall consist of the City Superintendent of Public Schools and the President of the Board of Education of that city, the County Superintendent of the county in which such city is situated, and of three public school teachers, residents of such city, who shall be elected by the City Board of Education for the term of one year. Any teacher to be eligible to such election shall be the holder of a State diploma, or of a grammar school city certificate. The teachers elected to such Board shall be allowed such compensation for their services as may be granted by the Board of Education. The Superintendent of Public Instruction shall be, ex-officio, a member of every City Board of Examination. Said Board shall conduct all examinations in conformity with the general rules and regulations of the State Board of Education, and shall have power to grant certificates of the same grade and for the same time as the State Board of Examination; *provided*, they shall be valid only in the city in which they are granted. Said Board shall also have power to grant such certificates of a grade lower than grammar school certificates as may be deemed necessary, and to grant certificates for teaching high schools. Said Board shall have power to renew, without examination, all city certificates. No City Board of Education or of Examination shall have power to require or hold an examination of any teacher holding a State diploma or certificate, except in cases where such teacher is an applicant for a school of higher grade than the certificate then held allows such teacher to teach. Any City Board of Examination may recognize the certificates of any other city, and without examination issue to the holder certificates of a corresponding grade. No person shall be a legally qualified teacher in any city, unless he or she holds a State or city certificate, granted by a State or City Board of Examination.

How
composed.

Examina-
tions and
certificates.

SEC. 94. The State Board of Education shall prescribe a standard of proficiency before a County Board, which shall entitle the holder of the certificate to a certificate from the State Board of Examination; and whenever such standard is reached, the County Superintendent shall certify the facts, together with certificates of the party's character, to the State Board of Examination, and that body may grant or refuse a State certificate and fix its grade. Every person holding a diploma of graduation from any State Normal School in the United States shall be entitled to a county certificate of the first

a Certificates.

Report. or second grade, at the option of said Board; and upon proof of good character, such certificate shall be granted without further examination. Every County Superintendent and each City Superintendent of Public Schools shall annually report, at the time of making his other report to the Superintendent of Public Instruction, the number of certificates granted by the Board of Examination of his county or city, as the case may be, the names of persons to whom granted, and date of each certificate, the number of all applicants rejected, and the number of certificates revoked, the cause of their revocation, and the names of the holders. The County Superintendent shall also report to the State Superintendent the amount of money received from examination fees, and the manner in which it was expended. The County Superintendent may recognize county certificates of the first grade granted by Boards of Examination in other counties, and may issue temporary certificates for teaching to the holders, on application, which shall be valid until the next regular examination of the County Board of his county.

Temporary certificates.

Text books.

SEC. 95. The State Board of Education shall prescribe and adopt a uniform series of text books, which shall be used in all public schools, as well in incorporated cities having Boards of Education as in the State at large; *provided*, that said State Board may, when making a change in any of the series, prescribe a future date for it to take effect, which shall not be less than six months thereafter, and may adopt special books when necessary for the use of graded schools in cities, and shall allow books different from the State series now in use in such cities to be continued until a change may be deemed advisable by the Boards of Education of such cities. Any books once adopted in the State series shall be continued in use for a period not less than four years. If any city, town, or district refuse or neglect to use the books that may be prescribed, or shall use any other text books in any of the prescribed studies, the Superintendent of Public Instruction shall withhold from such city, town, or district, twenty-five per cent of all State school moneys to which it may be entitled until it comply; and any moneys so withheld shall be apportioned by the Superintendent, at the next annual apportionment, in the same manner as other school moneys in the treasury.

OF SCHOOL REVENUE.

State school tax.

SEC. 96. An annual ad valorem tax of eight cents on each one hundred dollars value of all taxable property throughout the State is hereby levied and directed to be collected and paid in the same manner as other State taxes are required to be paid; and said tax shall be called and known as the State School tax, and the Board of Supervisors of the several counties shall annually, at the same time other State taxes are levied, add this to the other taxes provided by law to be levied and collected, and it shall be annually collected at the same time and in the same manner as other State taxes are collected; and if from any reason whatever, in any year, said taxes shall not be levied as herein required by the Board of Supervisors, the Auditor shall enter them on the assessment roll as required by law for other taxes.

All moneys derived from the tax herein levied shall be paid into the State School Fund, and be apportioned as other moneys in that fund. No Tax Collector or County Treasurer shall receive any fees or compensation whatever for collecting, receiving, keeping, or disbursing any school moneys; but the whole moneys collected shall be paid to the County Treasurer, and by him paid to the State Treasurer at the same time other moneys are paid over. No fees.

SEC. 97. The Board of Supervisors, except in the City and County of San Francisco, of each county, shall annually, at the time of levying other county taxes, levy a school tax, the maximum rate of which shall not exceed thirty-five cents on each one hundred dollars of taxable property in the county, nor the minimum rate be less than sufficient to raise a sum equal to three dollars for each child in the county between five and fifteen years of age. Said Supervisors shall determine the minimum rate of school tax as follows. They shall: County school tax.

First—Ascertain from the County Superintendent the number of census children entitled to school apportionment, as shown by the then next preceding school census, and then shall calculate the amount required to be raised at three dollars per child;

Second—They shall deduct fifteen per cent from the equalized value of the last general assessment roll, and the amount required to be raised divided by the remainder of the assessment roll, shall be the rate levied; *provided*, that if any fraction of a cent occur it shall be taken as a full cent on each hundred dollars; and, *provided*, further, that Boards of Supervisors, in estimating said rate of school tax for the year eighteen hundred and sixty-six, shall use the number of census children between the ages of four and eighteen years; according to the returns of the last school census in eighteen hundred and sixty-five. If the Supervisors fail to levy said tax as herein provided, then the Auditor shall levy it and add the tax to the assessment roll. In case the Supervisors or Auditor shall refuse or neglect to levy at least the minimum rate of tax herein provided, the Superintendent of Public Instruction shall deduct twenty-five per cent from the next succeeding annual apportionment of State School Fund otherwise due to that county, and shall withhold it and apportion it to the other counties of the State; and, *provided*, further, that if this Act does not become a law until after the taxes are levied for eighteen hundred and sixty-six, and the amount levied for that year does not amount to a rate that will produce a sum equal to the requirements of this section, then the Auditor shall add to the levy such additional per cent as will produce said amount; *provided*, the original levy and the addition thereto do not in the aggregate exceed thirty-five cents on the one hundred dollars.

OF DISTRICT TAXES.

SEC. 98. The Board of Trustees of any district may, when in their judgment it is advisable, call an election, and submit to the qualified electors of the district the question whether a tax shall be raised to furnish additional school facilities for said district, or to maintain any school or schools in such district, or for building one or more school houses, or for any two or all of Election to determine levy of tax.

Assessor and
Collector.

How to esti-
mate rate.

Bonds.

Equalization

Collection.

these purposes. Such election shall be called by posting notices in three of the most public places in the district, for twenty days, and also, if there is a newspaper in the county, by advertisement therein once a week for three weeks. Said notices shall contain the time and place of holding the election, the amount of money proposed to be raised, and the purpose or purposes for which it is intended to be used. The Trustees shall appoint three Judges to conduct the election, and it shall be held in all other respects, as nearly as practicable, in conformity with the general election law. At such elections the ballots shall contain the words "Tax—Yes," or "Tax—No," and also the name of one person as Assessor, and one as Collector; *provided*, however, the same person may be elected to both offices. If a majority of the votes cast are "Tax—Yes," the officers of the election shall certify the fact to the Trustees, and shall also certify the names of the person or persons having the plurality of votes for Assessor and Collector. The Trustees shall issue certificates of election, and the Assessor shall, on receiving his, forthwith ascertain and enroll, in the manner provided for County Assessors, all the taxable persons and property in the district, and within thirty days he shall return his roll, footed up, to the Trustees. The Trustees upon receiving the roll shall deduct fifteen per cent therefrom for anticipated delinquencies, and then, by dividing the sum voted, together with the estimated cost of assessing and collecting added thereto, by the remainder of the roll, ascertain the rate per cent required; and the rate so ascertained (using the full cent on each hundred dollars in place of any fraction) shall be and it is hereby levied and assessed to, on, or against the persons or property named or described in said roll, and it shall be a lien on all such property until the tax is paid; and said tax, if not paid within the time limited in the next succeeding section for its payment, shall be recovered by suit, in the same manner and with the same costs as delinquent State and county taxes. The maximum rate of tax levied by a district tax in any one year, for building purposes, shall not exceed thirty-five cents on each hundred dollars, and the maximum rate levied for school purposes by such tax, shall not exceed fifteen cents on each hundred dollars in any one year. Each District Tax Collector shall give a bond to the people of the State of California, joint and several in form, with similar sureties as are required on other official bonds. Such bonds shall be in such penal sum as the Trustees may direct; *provided*, it be not less than double the amount to be collected, and shall be approved by them. The Trustees, upon receiving any assessment roll from the Assessor, shall give five days' notice thereof by posting a notice in three public places in the district, and shall sit for at least three days as a Board of Equalization at such time and place as shall have been named in said posted notices; and they shall have the same power as County Boards of Equalization to make any changes in said assessment roll.

SEC. 99. As soon as the rate of taxation has been determined, as provided in the last preceding section, the Trustees shall place the tax list in the hands of the Collector, who shall then proceed to collect the tax, and shall, within sixty days, return the roll to the Trustees, with the word "paid" marked opposite

the name of each person or description of property from whom or on which he has received the tax; and he shall also at the same time file with the Trustees the County Treasurer's receipt for all the moneys by him collected; and the persons and property on the roll not by the Collector marked "paid," shall be deemed delinquent, and the Trustees shall deposit said roll with the District Attorney, who shall proceed to collect the delinquent taxes in the manner prescribed by law for other delinquent tax; and said roll, or any certified copy thereof, shall have the same force as evidence as a duplicate or delinquent tax roll of State and county taxes.

SEC. 100. In case any Assessor or Collector of district taxes shall refuse or neglect to qualify within ten days of his election or appointment, or having qualified, shall refuse or neglect to act, or in case of any vacancy from any other cause in either or both of said offices, the Board of Trustees shall appoint some proper person or persons to fill the place or places.

Vacancy in
offices of
Assessor and
Collector.

OF RATE BILLS.

SEC. 101. After a school shall have been maintained five months free to all pupils, in districts having more than one hundred pupils, and taxable property assessed at over two hundred thousand dollars, and not otherwise, the Trustees of any district shall have power and it shall be their duty to assess such rate bills of tuition as they may deem necessary for the payment of teachers' salaries, in addition to the public moneys of such district. Said rate bills of tuition shall be made out by said Trustees against all persons sending children to school, in proportion to the number of children sent to school, and the time of attendance of such children, to be determined by the teacher's register; and the Trustees shall exempt such indigent persons from the payment of said rate bills as they may consider entitled to such exemption. Said Trustees shall appoint a Collector of such rate bills, who shall take the constitutional oath of office, whose duty it shall be to present said rate bills to the person so assessed, and demand payment thereof; and if such person, after thirty days' notice by the said Collector, shall refuse or neglect to pay said rate bill, then the said Collector shall return the same to said Trustees, with his certificate thereon, stating that demand has been made, and that said person has refused or neglected to pay the same, and stating the date of notification and of return. The Trustees thereupon shall bring suit in the name of the people of the State of California as plaintiffs, in any Justice's Court of the township or city in which said district may be situated, for the collection of said rate bill, with costs of suit. Said rate bill, certified by said Collector, shall be prima facie evidence that said rate bill has been properly assessed, and that all proceedings thereon have been lawfully conducted, and that the sum mentioned therein is due from the party named. In case of any suit under the provisions of this section, the Justice of the Peace in whose Court it is brought, and the officer in whose hands the papers are placed for service, shall perform the duties required without payment in advance, and without any payment whatever, unless the same is made at cost of defend-

Assessment,
and collec-
tion.

Suit.

ant; and any witness subpoenaed shall attend without being entitled to demand or receive any fee or mileage in advance; and no witness shall receive any fee or mileage unless the same is made out of the defendant as costs; and in case of judgment for defendant, it shall be general and without costs; and in case a majority of the Trustees demand it, a writ of attachment shall issue without a bond being filed, and without any other matter or thing being had or done, except the filing of the unpaid rate bill, with the officer's affidavit thereto, as herein required. Except in any new district in which a school for the first time is opened, no Board of Trustees shall have any power to levy or collect any tuition or rate bills, until a free school shall have been maintained for at least three months in each year; and the Superintendent of Public Instruction shall deduct and withhold twenty-five per cent of the State School Fund otherwise due from any district in which a school has been maintained in violation of this section.

Special district tax.

SEC. 102. The Board of Trustees of any school district, whenever the estimated State and county school moneys to be apportioned to such district shall be deemed by them insufficient to maintain a free school five months in each year, as required in the preceding section, shall proceed to levy a direct tax upon all the taxable property of the district, sufficient to raise an amount which, together with the estimated amount of State and county school money to be received, shall maintain a free school five months. The Trustees, in making their estimate of money to be apportioned to the district, shall base their calculation on the written statement of the County Superintendent, and shall include in their estimate of the amount necessary to be raised by tax, all probable contingent expenses for furniture and incidentals authorized by law, as well as for the salary of a teacher; and such estimates shall all be recorded by the District Clerk in the record book of the Board, and said record shall be prima facie evidence of the necessity of the tax and of the amount to be levied. Such tax shall be assessed, equalized, and collected in the manner prescribed for assessing, equalizing, and collecting taxes voted for school purposes, as provided in this Act, except that the Trustees may appoint an Assessor and Collector.

GENERAL PROVISIONS.

School Funds.

Apportionment.

SEC. 103. All State school funds apportioned by the Superintendent of Public Instruction, and all county school moneys apportioned by County Superintendents of Common Schools, shall be apportioned to the several school districts and cities in proportion to the number of school census children between five and fifteen years of age, as shown by the returns of the School Census Marshals for the next preceding school year; *provided*, that Indian children who are not living under the guardianship of white persons, and Mongolian children, shall not be included in the apportionment list.

How to be used.

SEC. 104. The State School Fund, excepting as otherwise provided in this Act, shall be used for no other purpose than

the payment of teachers legally qualified and employed under the provisions of this Act. County school moneys may be used by the County Superintendent and Trustees for the various purposes as authorized and provided in this Act.

SEC. 105. No school district shall be entitled to receive any apportionment of State or county school moneys unless the teachers employed in the schools of such district shall hold legal certificates of fitness for the occupation of teaching, in full force and effect. Apportionments conditional.

SEC. 106. No school district shall be entitled to receive any apportionment of State or county school moneys which shall not have maintained a free public school for at least three months during the then next preceding school year; *provided*, that any new district, formed by the division of an old one, shall be entitled to its apportionment when the time that school was maintained in the old district before division, and in the new district after division, shall be equal to at least three months, as required in section one hundred and one. Any school district which shall neglect or refuse to adopt and use the State series of text books required in pursuance of law, shall not be deemed or adjudged a school district within the meaning of this Act. Same.

Of Penalties and Disabilities.

SEC. 107. When any school officer is superseded by election or otherwise, he shall immediately deliver to his successor in office all books, papers, and moneys pertaining to his office; and every such officer who shall refuse to do so, or who shall wilfully mutilate or destroy any such books or papers or any part thereof, or shall misapply any moneys intrusted to him by virtue of his office, shall be guilty of misdemeanor, and shall be punished by a fine, in the discretion of the Court, not exceeding one hundred dollars. Penalty for refusal to deliver books, misapplications of moneys, etc.

SEC. 108. Every person elected or appointed to any office mentioned in this Act, shall, before entering upon the discharge of the duties thereof, take an oath to support the Constitution of the United States and of this State, and faithfully discharge the duties of his office according to the best of his abilities. In case such officer has a written appointment or commission, his oath shall be indorsed thereon; otherwise, it may be taken orally. In either case it may be sworn to before any officer authorized to administer oaths; and school officers are hereby authorized to administer all oaths relative to school business appertaining to their respective offices without charge or fee. Oath of office

SEC. 109. If any School Trustee or member of any Board of Education shall refuse or neglect to perform any official act or duty prescribed by law, he shall be liable to the pains and penalties of the Act of March fourteenth, eighteen hundred and fifty-three, entitled an Act to prevent extortion in office and to enforce official duty. Neglect of duty.

SEC. 110. No School Trustee or member of any Board of Education shall be directly or indirectly interested in any contract made by the Board of which he is a member; and any No interest in contracts.

contract made in violation of this provision shall be null and void. No Trustee or member of any Board of Education shall receive any compensation for his official services.

No compensation.
Collection of fines. SEC. 111. All fines and penalties not otherwise provided for in this Act shall be collected by an action in any Court of competent jurisdiction, and shall be paid into the District or County School Fund, as the case may be.

Insult or abuse of teachers. SEC. 112. Any parent, guardian, or other person, who shall upbraid, insult, or abuse any teacher in the presence of the school, shall be guilty of a misdemeanor, and be liable to a fine of not less than ten nor exceeding one hundred dollars.

Disturbance of meetings. SEC. 113. Any person who shall wilfully disturb any public school, or any public school meeting, shall be guilty of a misdemeanor, and liable to a fine of not less than ten nor more than one hundred dollars.

Neglect to appoint Census Marshal. SEC. 114. In case any Board of Trustees or Board of Education shall fail to appoint a Census Marshal at the proper time, and if through such neglect the district shall fail to receive its apportionment of school moneys, said Trustees or members of said Board of Education shall be, jointly and severally, individually liable to the district for the full amount so lost, and it may be recovered on a suit brought by any citizen of such district, in the name of and for the benefit of the district.

Neglect to open school or levy tax. SEC. 115. If any Board of Trustees shall neglect or refuse to open a school when there is sufficient money in the Treasury to maintain one for five months, or if any Board neglect or refuse to levy a tax for maintaining a school five months, as provided in this Act, it shall be the duty of the County Superintendent, whenever he shall be satisfied of such facts, to remove from office any one or all of the Trustees of such Board, and appoint to fill the vacancy.

Reference of disputes. SEC. 116. All cases of dispute in relation to school matters, not properly belonging to Courts of justice, may be referred first to the County Superintendent, and appealed to the State Superintendent.

Miscellaneous.

Educational and literary institutions to report biennially. SEC. 117. All incorporated literary institutions, and all institutions having educational departments, to which State appropriations are made, shall report biennially to the Superintendent of Public Instruction such educational statistics as he may require.

Election of school officers. SEC. 118. Every member of any Board of Education, and every Superintendent of Public Schools in any incorporated city having a special school law, shall hereafter be elected by direct vote of the people; and all laws or parts of laws in conflict with this provision are hereby repealed. And in any city in which such school officers have heretofore been appointed, the Common Council or Board of Supervisors shall make provision by ordinance for the election of school officers at the general election, or at special elections; *provided*, that the terms of officers already appointed may be continued until the time of the next general or city election; and if provision for such election is not made, any ten voters may call it, on thirty days' notice.

SEC. 119. The school year shall begin on the first day of July, and end on the last day of June. School year.

SEC. 120. All printing and binding required under this Act shall be executed by the State Printer, in the form and manner and at the prices of other State printing, and shall be paid for in like manner out of the General Fund of the State. Printing and binding.

SEC. 121. This Act shall be known and referred to as the "Revised School Law," and no other title or reference shall be necessary. Title of Act.

SEC. 122. The Act entitled an Act to provide for the maintenance and supervision of common schools, approved April sixth, eighteen hundred and sixty-three, and an Act amendatory of and supplementary to the Act of April sixth, eighteen hundred and sixty-three, entitled an Act to provide for the maintenance and supervision of common schools, approved March twenty-second, eighteen hundred and sixty-four, and all Acts and parts of Acts, whether general or special, so far as they are inconsistent with the provisions of this Act, are hereby repealed; but such repeal shall not affect any legal proceedings taken, or taxes levied, or officers elected, in accordance with the provisions of such repealed laws. Repeal. Exceptions.

SEC. 123. This Act shall take effect from its passage.

EXTRACT

FROM THE

CONSTITUTION OF THE STATE OF CALIFORNIA.

ARTICLE IX.

EDUCATION.

Election of
Superin-
tendent of
Public
Instruction.

SECTION 1. A Superintendent of Public Instruction shall, at the special election for judicial officers to be held in the year eighteen hundred and sixty-three, and every four years thereafter at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election.—[Amended, 1862.]

Appropriation for support of Common Schools.

SEC. 2. The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that may be granted by the United States to this State for the support of schools, which may be sold or disposed of, and the five hundred thousand acres of land granted to the new States, under an Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

Schools to be kept open three months in every year.

SEC. 3. The Legislature shall provide for a system of common schools, by which a school shall be kept up and supported in each district at least three months in every year, and any school district neglecting to keep up and support such a school

may be deprived of its proportion of the interest of the public fund during such neglect.

SEC. 4. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this State for the use of a university; and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said university, with such branches as the public convenience may demand, for the promotion of literature, the arts, and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the Legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said university.

Fund for support of university.

MEMBERS OF THE SENATE

1800-1801

The Senate of the State of New York, do hereby certify that the following is a list of the members of the Senate of the State of New York, elected at the general election held on the 1st day of October, 1800.

John Jay, Governor of the State of New York, do hereby certify that the following is a list of the members of the Senate of the State of New York, elected at the general election held on the 1st day of October, 1800.

John Jay, Governor of the State of New York, do hereby certify that the following is a list of the members of the Senate of the State of New York, elected at the general election held on the 1st day of October, 1800.

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1800-1801

AN ACT

CONCERNING

TEACHERS OF COMMON SCHOOLS IN THIS STATE.

 Approved April 27, 1863--Amended March 18, 1864.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. No certificate of qualification shall be granted by the State Board of Examination, or by any County Board of Examination, to any teacher, or person proposing to become such, unless such teacher or person shall have first taken and subscribed the following oath or affirmation :

Oath.

“ I do solemnly swear (or affirm, as the case may be,) that I will faithfully support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, that I will bear true faith, allegiance, and loyalty to the said Constitution and Government, and that I will, to the extent of my ability, teach those under my charge to love, reverence, and uphold the same, any law or ordinance of any State, Convention, or Legislature, or any rule or obligation of any society or association, or any decree or order from any source whatsoever, to the contrary notwithstanding; and, further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsoever; and I do further swear (or affirm, as the case may be,) that I will support the Constitution of the State of California.”

Oaths of teachers.

SEC. 2. [As amended by Act of March eighteenth, eighteen hundred and sixty-four.] The oath or affirmation prescribed in the first section of this Act may be administered by the Superintendent of Public Instruction, or by the County Superintendent of Public Schools, or by any officer authorized to administer oaths, and the certificate thereof shall be filed in the office of the

County Superintendent of Public Schools in the county where the teacher taking the oath proposes to teach school, and no warrant for the compensation of any teacher shall be drawn on or paid from the School Fund unless the certificate of the oath or affirmation of such teacher has been filed with the County Superintendent of Public Schools.

Where to be filed.

SEC. 3. [As amended by Act of March eighteenth, eighteen hundred and sixty-four.] Any County Superintendent who shall draw any warrant on the County Treasurer for the payment of any teacher before the oath required in this Act shall have been taken and filed as hereinbefore provided, shall be guilty of a misdemeanor, and on conviction shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the County Jail for a period of not less than sixty days.

No Superintendent to draw warrant till oath is filed.

AN ACT

RELATING TO THE

PUBLIC SCHOOLS IN CERTAIN COUNTIES OF THIS STATE.

Approved March 31, 1866.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Annual estimate of school money.

SECTION 1. The Superintendents of Public Schools in the Counties of Santa Cruz, Santa Clara, Alameda, and Contra Costa, shall, on or before the first day of September in each year, furnish to the Board of Trustees of each school district in their respective counties an estimate in writing of the amount of public money, both State and county, to which their district shall be entitled during the year.

School to be kept open eight months each year.

SEC. 2. It shall be the duty of each Board of Trustees in the counties mentioned in this Act to employ an efficient and competent teacher, who shall hold a certificate from the County Board of Examination, and to keep open the public schools for at least eight months in each school year; *provided*, a majority of the Trustees may so desire. And when the State and county money to which any district is entitled is not sufficient to keep a school open in such district for at least eight months in each school year, the Trustees are authorized and it is hereby made their duty to levy and they shall levy a direct tax upon the taxable property in such district sufficient to raise an amount which, together with the State and county money to which such district is entitled, to keep a school open eight months. And such tax shall be assessed, legalized, and collected in the manner prescribed for assessing, equalizing, and collecting taxes voted for district school houses, excepting that the Trustees may appoint the Assessor and Collector, and also excepting that if a fractional part of a cent is sufficient, the whole cent need not be levied in lieu thereof. The tax so levied shall include a sum sufficient to pay the cost of assessing and collecting.

Levy of tax.

How moneys shall be credited.

SEC. 3. The Collector shall pay over the money so collected to the County Treasurer, who shall credit it to that district paying it in; and it shall constitute a Special School Fund, which shall be paid out on the warrant of the County Superintendent, who shall draw his warrant on this fund for the payment of teachers' salaries, and for no other purposes whatever. No per cent shall be charged or received by the County Treasurer for receiving or paying out this fund.

RULES AND REGULATIONS OF THE PUBLIC SCHOOLS OF CALIFORNIA.

[Adopted by the State Board of Education, June eighth, eighteen hundred and sixty-six, in accordance with section two of the Revised School Law, and required to be enforced in all public schools, according to section forty-two, subdivision two, and section sixty-four of the Revised School Law.]

SECTION 1. Teachers are required to be present at their respective school rooms, and to open them for the admission of pupils at fifteen minutes before the time prescribed for commencing school, and to punctually observe the hours for opening and closing school.

SEC. 2. Unless otherwise provided, by special action of Trustees, or Boards of Education, the daily school sessions shall commence at nine o'clock A. M., and close at four o'clock P. M., with an intermission at noon of one hour, from twelve M., to one o'clock P. M. There shall be allowed a recess of twenty minutes in the forenoon session, from ten-forty to eleven o'clock, and a recess of twenty minutes in the afternoon session, from two-forty to three o'clock. When boys and girls are allowed separate recesses, fifteen minutes shall be allowed for each recess.

SEC. 3. In graded primary schools in which the average age of the pupils is under eight years, the daily sessions shall not exceed four hours a day, exclusive of the intermission at noon, and inclusive of the recesses. If such schools are opened at nine o'clock A. M., they shall be closed at two o'clock P. M. In ungraded schools all children under eight years of age shall be either dismissed after a four hours' session, or allowed recesses for play of such length that the actual confinement in the school room shall not exceed three hours and a half.

SEC. 4. No pupil shall be detained in school during the intermission at noon, and a pupil detained at any recess shall be permitted to go out immediately thereafter. All pupils, except those detained for punishment, shall be required to pass out of the school rooms at recess, unless it would occasion an exposure of health.

SEC. 5. Principals shall be held responsible for the general management and discipline of the schools; and the other teachers shall follow their directions, and co-operate with them, not only during the school hours, but during the time when the pupils are on the school premises, before and after school, and during recesses. Assistants shall be held responsible for the order and discipline of their own rooms, under the general direction of the Principals.

SEC. 6. Teachers are particularly enjoined to devote their time faithfully to a vigilant and watchful care over the conduct and habits of the pupils during the time for relaxation and play, before and after school, and during the recesses, both in the school buildings and on the playgrounds.

SEC. 7. It is expected that teachers will exercise a general inspection over the conduct of scholars going to and returning from school. They shall exert their influence to prevent all quarrelling and disagreement, all rude and noisy behavior in the streets, all vulgar and profane language, all improper games, and all disrespect to citizens and strangers.

SEC. 8. Teachers shall prescribe such rules for the use of the yards, basements, and outbuildings connected with the school houses as shall insure their being kept in a neat and proper condition, and shall examine them as often as may be necessary for such purpose. Teachers shall be held responsible for any want of neatness or cleanliness about their school premises.

SEC. 9. Teachers shall give vigilant attention to the ventilation and temperature of their school rooms. At each recess the windows and doors shall be opened for the purpose of changing the atmosphere of the room. Teachers are cautioned against hot fires and a high temperature.

SEC. 10. Teachers shall enter in the school registers, in the order of their application, the names of all those applying for admission to the school, after the prescribed number of pupils has been received. Such applicants shall be admitted to seats whenever a vacancy occurs in any class for which they have been found duly qualified, in the order of their registration.

SEC. 11. Teachers are authorized to require excuses from the parents or guardians of pupils, either in person or by written note, in all cases of absence or tardiness, or of dismissal before the close of school.

SEC. 12. No pupil shall be allowed to retain connection with any public school unless furnished with books, slate, and other utensils required to be used in the class to which he belongs; *provided*, that no pupil shall be excluded for such cause unless the parent or guardian shall have been furnished by the teacher with a list of books or articles needed, and one week shall have elapsed after such notice without the pupil's obtaining said books. Books may be furnished to indigent children by the Trustees, at the expense of the district, whenever the teacher shall have certified in writing that the pupil applying is unable to purchase such books.

SEC. 13. Any pupil who shall in any way cut or otherwise injure any school house, or injure any fences, trees, or outbuildings belonging to any of the school estates, or shall write any profane or obscene language, or make any obscene pictures or characters on any school premises, shall be liable to suspension, expulsion, or other punishment, according to the nature of the offence. The teacher may suspend a pupil temporarily for such offence, and shall notify the Trustees of such action. Pupils shall not be allowed to remain in any of the rooms that are provided with improved styles of furniture except in the presence of a teacher or of a monitor, who is made specially responsible for the care of the seats and desks. All damages done to school property by any of the pupils shall be repaired at the expense of the party committing the trespass.

SEC. 14. All pupils who go to school without proper attention having been given to personal cleanliness, or neatness of dress, shall be sent home to be properly prepared for school, or shall be required to prepare themselves for the school room before entering. Every school room shall be provided with a wash basin, soap, and towels.

SEC. 15. No pupils affected with any contagious disease shall be allowed to remain in any of the public schools.

SEC. 16. The books used and the studies pursued shall be such, and such only, as may be authorized by the State Board of Education; and

no teacher shall require or advise any of the pupils to purchase for use in the schools any book not contained in the list of books directed and authorized to be used in the schools.

SEC. 17. It shall be the duty of the teachers of the schools to read to the pupils from time to time so much of the school regulations as apply to them, that they may have a clear understanding of the rules by which they are governed.

SEC. 18. In all primary schools exercises in free gymnastics, and vocal and breathing exercises, shall be given at least twice a day, and for a time not less than five minutes for each exercise.

SEC. 19. The following supplies shall be provided by the District Clerk, under the provisions of section forty-six of the Revised School Law, on the written requisition of the teacher, viz: clocks, brooms, dusting brushes, wash basins, water buckets, tin cups, dust pans, matches, ink, ink bottles, pens, penholders, slate pencils, crayon chalk, hand bells, coal buckets or wood boxes, shovels, pokers, soap, towels, thermometers, door mats, scrapers, and stationery.

SEC. 20. Trustees are authorized and recommended to employ a suitable person to sweep and take care of the school house, and to make suitable provision for supplying the school with water.

RULES FOR PUPILS.

1. Every pupil is expected to attend school punctually and regularly; to conform to the regulations of the school, and to obey promptly all the directions of the teacher; to observe good order and propriety of deportment; to be diligent in study, respectful to teachers, and kind and obliging to schoolmates; to refrain entirely from the use of profane and vulgar language, and to be clean and neat in person and clothing.

2. Pupils are required, in all cases of absence, to bring, on their return to school, an excuse in writing from their parents or guardians, assigning good and sufficient reasons for such absence.

3. All pupils who have fallen behind their grade, by absence or irregularity of attendance, by indolence or inattention, shall be placed in the grade below, at the discretion of the teacher.

4. No pupil shall be permitted to leave school at recess, or at any other time before the regular hour for closing school, except in case of sickness, or on written request of parent or guardian.

5. Any scholar who shall be absent one week without giving notice to the teacher, shall lose all claim to his particular desk for the remainder of the term, and shall not be considered a member of the school.

6. Each scholar shall have a particular desk, and shall keep the same and the floor beneath in a neat and orderly condition.

INSTRUCTIONS TO TEACHERS.

1. Teachers will endeavor to make themselves acquainted with parents and guardians, in order to secure their aid and co-operation, and to better understand the temperaments, characteristics, and wants of the children.

2. Teachers shall daily examine the lessons of their various classes, and make such special preparation upon them, if necessary, as not to be constantly confined to the text book, and instruct all their pupils, without partiality, in those branches of school studies which their various classes may be pursuing. In all their intercourse with their scholars they are required to strive to impress on their minds, both by precepts and example, the great importance of continued efforts for improvement in morals, and manners, and deportment, as well as in useful learning.

3. Teachers should explain each new lesson assigned, if necessary, by familiar remarks and illustrations, that every pupil may know, before he is sent to his seat, what he is expected to do at the next recitation, and how it is to be done.

4. Teachers should only use the text book for occasional reference, and should not permit it to be taken to the recitation to be referred to by the pupils, except in case of such exercises as absolutely require it. They should assign many questions of their own preparing, involving an application of what the pupils have learned to the business of life.

5. Teachers should endeavor to arouse and fix the attention of the whole class, and to occupy and bring into action as many of the faculties of their pupils as possible. They should never proceed with the recitation without the attention of the whole class, nor go round the class with recitation always in the same order, or in regular rotation.

6. Teachers should at all times exhibit proper animation themselves, manifesting a lively interest in the subject taught, avoid all heavy, plodding movements, all formal routine in teaching, lest the pupil be dull and drowsy, and imbibe the notion that he studies only to recite.

 RULES FOR DISTRICT LIBRARIES.

(Adopted by the State Board of Education, June 8th, 1866.)

1. The Librarian appointed by the Trustees shall properly label and number each book in the district library, and keep a catalogue of the same, showing the title and number of each book.

2. The library shall be open for drawing and returning books—(here insert such time as may be determined by the Trustees and Librarian.)

3. Every child attending school shall be entitled to the privileges of the library; but when the number of books is insufficient to supply all the pupils, the Librarian shall determine the manner in which books may be drawn.

4. No person shall be entitled to two books from the library at the same time, and no family shall draw more than one book while other families wishing books remain unsupplied.

5. No person shall loan a library book to any one out of his own house, under a penalty of fifty cents for each offence.

6. No person shall retain a book from the library more than two weeks, under a penalty of ten cents for each day he may so retain it; and no person may draw the same book a second time while any other person wishes to draw it.

7. Any person losing or destroying a library book shall pay the cost of such book and a fine of fifty cents; and any person injuring a book by marking, tearing, or unnecessarily soiling it, shall be liable to a fine of not less than ten cents, nor more than the cost of the book, to be determined by the Librarian.

8. Any person refusing or neglecting to pay any penalty or fine shall not be allowed to draw any book from the library.

9. The Librarian shall report to the Trustees, quarterly, the amount of fines imposed and collected, and the amount received for membership dues; and all moneys accruing from these sources shall be expended for the purchase or repair of books.

10. Any person, other than pupils attending, resident in the school district, may become entitled to the privileges of the school library by the payment of an admission fee of one dollar, and a monthly membership of twenty-five cents.

11. Any person resident in the district, who shall pay to the Trustees the sum of ten dollars, shall be entitled to a life membership privilege of the library.

12. The Librarian shall report, annually, to the District Clerk, on or before the tenth day of July, the number and condition of books in the library, the number and titles of books received by donation, the number and titles of books purchased, the amount of State School Library Fund expended, and the amount derived from fines and membership fees.

STATE SERIES OF TEXT BOOKS.

[Adopted by the State Board of Education, June eighth, eighteen hundred and sixty-six, in accordance with section ninety-six of the Revised School Law.]

NOTE.—The members of the State Board were unanimously of opinion that no change in text books ought to be made at present, with the exception of adding Clarke's Geography to the list. The books marked "adopted" cannot be changed for a period of four years from and after December eighth, eighteen hundred and sixty-six; those marked "continued" remain in use under the action of the former State Board of Education, and, not having been acted upon by the present Board, may be changed at any time during the next four years, if any change should be thought desirable. No change is at present contemplated.

ARITHMETIC.

(Adopted for four years.)

| | |
|-------------------------|------------------------|
| Eaton's Primary, | Eaton's Common School, |
| ✕ Eaton's Intellectual, | Eaton's Higher. |

GEOGRAPHY.

Allen's Primary (continued.)

Cornell's Primary (continued.)

Warren's Intermediate (continued for the present, with the recommendation that pupils be promoted as rapidly as possible into Clarke's

Geography, and that as fast as practicable, Warren's Intermediate be superseded by Clarke's Common School Geography.)

Warren's Physical (continued.)

Shaw and Allen's (continued.)

Cornell's Outline Maps (adopted.)

Guyot's Wall Maps of Physical Geography (adopted.)

GRAMMAR.

Greene's Introduction (adopted.)

Quackenbos' English Grammar (continued.)

READERS.

Willson's Entire Series, with charts (adopted.)

PHYSIOLOGY.

Hooker's Elementary (adopted.)

Hooker's Larger (continued.)

HISTORY OF THE UNITED STATES.

Quackenbos' Primary (adopted.)

Quackenbos' Larger (adopted.)

NATURAL PHILOSOPHY.

X Quackenbos' Natural Philosophy (adopted.)

ALGEBRA.

Robinson's Series (adopted.)

MORAL TRAINING.

Cowdery's Moral Lessons (adopted.)

ENGLISH COMPOSITION.

Quackenbos' (adopted.)

PENMANSHIP.

Spencerian, and Payson and Dunton's (both recommended.)

BOOKS RECOMMENDED FOR TEACHERS.

Sheldon's Elementary Instruction.

Sheldon's Lessons on Objects.

Willson's Manual.

Russell's Normal Training.

Russell and Murdock's Vocal Culture.

Russell's Exercises on Words.

Well's Graded Schools.

Page's Theory and Practice.
 Emerson's School and Schoolmaster.
 Northend's Teacher's Assistant.
 Wickersham's School Economy.
 Kindergarten Guide.
 Guyot's Earth and Man.
 Mitchell's Planetary and Stellar Worlds.
 Agassiz's Methods of Study in Natural History.
 Agassiz's Sketches of Geology.
 Barnard's Journal of Education.
 Life of Horace Mann.
 Life of Dr. Arnold.

* *Halbrook's Normal Methods*
Bates Teachers' Institutes

COURSE OF STUDY FOR THE PUBLIC SCHOOLS OF CALIFORNIA.

[Adopted by the State Board of Education, June eighth, eighteen hundred and sixty-six, and required to be enforced by County Superintendents, Trustees, and teachers, according to sections sixteen, forty-two, and sixty-four of the Revised School Law.]

SIXTH GRADE.

Reading, taught from Willson's Charts, using the word method. Alphabet taught when words can be called at sight. A set of alphabet *blocks* will be found very useful. In the absence of charts, Willson's Primer must be used, and it may also be taken up after the charts are learned. Drill of two minutes at each lesson on elementary sounds. Oral language, or talking, taught by means of simple object lessons.

Numbers, counting to fifty, by use of objects only. A box of beans, or kernels of corn, or marbles, or small pebbles, can be used for this purpose, in connection with the abacus, or numeral frame. The use of objects in counting, instead of abstract counting, will enable children to form a more correct idea of the relative size of numbers, and will give a better foundation for arithmetical instruction. The Arabic figures may be taught from the blackboard in connection with objects. Roman numerals to ten. Short lessons in addition may be given, using the beans at first, each pupil having ten, and afterwards using the fingers. Counting in this grade shall be allowed to fifty, and addition to ten.

Slate and Blackboard Printing and Drawing.—All pupils of this grade must be provided with a small slate and pencil. Daily exercises on both slate and blackboard, in printing, from Willson's Chart Number Eleven, or from the primer, or from copies set by the teacher—capital letters, small letters, Arabic figures, lines, angles, etc. The pupils of this grade should be allowed to use the blackboard during the recitations of other classes at least twice a day, fifteen minutes or half an hour each time. Amusement is better than listless idleness.

Object Lessons, to train the perceptive faculties—sensation, perception, attention—will embrace lessons on:

Forms, including lines—straight, curved, parallel, perpendicular, vertical, oblique, and horizontal; angles—right, acute, and obtuse; surfaces—square and triangular.

Colors, the most common, such as red, blue, and yellow, from Willson's

Color Chart, or in the absence of that, by classifying the colors of objects, such as grass, flowers, or articles of dress.

Miscellaneous Objects; as, articles of food, dress, or furniture, their parts and uses; the names of animals, plants, and vegetables, and their simplest uses. In these lessons the time must not exceed five minutes; only one or two new words should be introduced at a time, and every word and idea should be fixed in the mind. For instruction in object teaching the teacher is referred to Willson's Manual, accompanying the charts, or to Calkin's or Sheldon's books, one of which should be in the hands of every teacher.

Manners and Morals, taught by explaining and enforcing habits of personal cleanliness, neatness in dress, order, obedience, and politeness, by *telling*, not reading, simple stories to illustrate the virtues of honesty, truthfulness, and kindness to one another, and to animals. Cowdery's Moral Lessons will be found invaluable for reference by the teacher, who should be able to tell the stories without the use of the book in school.

The time given to this grade must depend on the number of pupils it contains, compared with the other grades. The general rule must be *short exercises*, never exceeding ten minutes, and seldom five. The recesses of the children in this grade ought to be twice or three times the length of those for the older pupils. When in school they must be kept busy; and when there is nothing to be done, they ought to be out at play.

FIFTH GRADE.

Reading.—Willson's Primer completed, and First Reader begun, to be completed in this grade. Willson's Charts, Numbers Four, Five, Six, Seven, and Eight; spelling first from the Charts, then from Willson's Primary Speller, the words to be used in constructing oral sentences according to directions. Spelling lessons to be printed daily on the blackboard and on slates. Phonic spelling from Charts Numbers Seven and Eight.

Numbers, counting to two hundred; counting by twos, fives, and tens, to fifty, and backward. Adding and subtracting numbers, not to exceed twenty in amount; mental operations to be expressed by written figures on the board and slates. This grade strictly limited to small numbers and simple operations, quickly performed.

Printing and Drawing.—Printing spelling lessons continued, and sentences begun. Drawing lines and angles from Willson's Chart Number Eleven.

Object Lessons.—Lines and measures, forms and solids, and measures for the eye, from Willson's Charts Numbers Eleven and Twelve. Colors from Willson's Color Chart Number Thirteen, and box of hand color cards. In the absence of charts, the teacher will draw on the board, lines, angles, and circles; surface forms, as triangle, parallelogram, hexagon, etc.; measures, such as inch, three inch, six inch, foot, and yard, square inch and square foot; or better still, sticks and pieces of board to illustrate the same, to be used in actually measuring objects and distances in the room.

Miscellaneous Lessons may embrace animals, birds, flowers, grains, vegetables, etc., from the charts, and confined mainly to names, parts, and uses.

Morals and Manners, as in the sixth grade, with the introduction of longer stories, read by the teacher, with applications more fully made.

Committing to memory maxims and mottoes, such as are found in Willson's Manual.

Remarks.—In small schools, with few pupils, the fifth and sixth grades must be united in one. Short lessons and quick work; no exercise to exceed ten minutes at one time. Long recesses and plenty of amusement; make no smart children dull by long confinement and overwork.

FOURTH GRADE.

Reading.—Willson's Second Reader. Short class drill of one minute each, at each reading lesson, on inflection, emphasis, pitch, and force.

Spelling.—Willson's Primary Speller, with simultaneous class drill of two minutes each lesson, in phonic spelling, to secure distinctness of articulation and enunciation.

Arithmetic.—Eaton's Primary, counting by twos, threes, fours, fives, tens, and twenties, to one hundred, and backward; counting to two hundred, by bean boxes, if possible. Counting by objects is more difficult and more useful than abstract counting. Multiplication table begun, explained by objects and the numeral frame, and learned to six times twelve. Easy examples in addition and subtraction, performed on the board. Lessons of the Mental Arithmetic written on the board; short mental exercises, combining addition, subtraction, and multiplication. Numeration and notation, not to exceed one thousand; Roman numerals, to one hundred.

Geography.—Allen's Primary, used according to the instructions to teachers in the text book. Colton's Geographic Charts, if in school. Globe used to explain the shape and revolutions of the earth, and the relative positions of the grand divisions. Lessons in local geography; directions of north, east, south, and west—not on the map, but out of doors; map of the schoolroom; exercises in the distances of places within five, ten, or twenty miles. Drawing all the maps of Allen's Geography on slate, paper, and blackboard.

Slate and Blackboard Printing and Drawing.—Printing lessons in arithmetic and spelling, both on board and slates; never leave the blackboard unused for a single minute; one grade can constantly be occupied. Drawing on slate and blackboard from margins of Spencerian Charts, from drawing cards, or best of all, from copies of the teacher.

Writing, on both slate and blackboard, first words from Willson's Chart Number Nine, then capital and small script letters.

Object Lessons may now be more systematically given, appealing to judgment as well as observation.

Colors reviewed and continued from the color charts. Forms reviewed and continued, by using a box of geometrical solids. Animals, from Willson's Charts. Plants, forms and classes of leaves, and parts of flowers, from Willson's Charts.

Manners and Morals taught by lessons in Willson's Second Reader.

THIRD GRADE.

Reading.—Willson's Third Reader.

Spelling.—Willson's Primary Speller completed. All exercises in constructing sentences to be required as directed in the text book, as a preliminary to the study of grammar. Weekly exercise in collecting and writing words in common use, and the names of common objects.

Arithmetic.—Eaton's Intellectual. Multiplication table completed. Slate and blackboard drill exercises of five minutes, twice a week, in addition, subtraction, multiplication, and division. Lessons in mental arithmetic. Lessons on notation and numeration, extending to larger numbers.

Geography.—Cornell's Primary. All the maps to be drawn on slate, blackboard, or paper; Cornell's Outline Maps used in connection. Globe used for explaining latitude, longitude, tropics, and polar circles, and relative positions of places named in the geography. Map of county, town, or city in which the pupils live. Exercises in distances of places in this State, and next the outline map of the State, with principal cities, rivers, and mountains.

Grammar.—Greene's Introductory to Part II, at the option of the teacher. Exercises in constructing sentences, similar to those in Willson's Speller. Principal parts of speech.

Penmanship.—Writing on slate and blackboard continued. Blank copy books and pen used. Drill class exercises in position at the desk, holding the pen, using the fingers and arm, and on elements of letters. Copies to be set on the blackboard, in connection with the Spencerian or Payson & Dunton's Charts. Time, half an hour daily.

Drawing.—Slate and blackboard continued, and pencil drawing on paper begun. Forms of leaves from Willson's Chart Number Thirteen, and from drawing cards.

Object Lessons.—Willson's Charts continued according to directions. Begin collecting for the school cabinet specimens of rocks, minerals, ores, metals, grains, and other common objects, using them as topics. Lessons, fifteen minutes, twice a week.

Moral Lessons.—Cowdery's Moral Lessons. Making full application of lessons for the purpose of exercising the conscience in judgment of acts and character. Pupils can now be taught the foundation of moral obligations, and the various classes of human rights and duties.

Remarks.—In this grade pupils begin to study lessons systematically. If the school is large, the teacher can make daily alternations of reading and spelling, or of grammar and geography. It is by no means necessary that all the recitations should be daily.

SECOND GRADE.

Reading.—Willson's Fourth Reader; two lessons a week, in connection with Willson's Charts.

Spelling.—Willson's Larger Speller; two lessons a week, both written and oral, alternating with reading.

Arithmetic.—Eaton's Practical, begun and continued to decimal fractions; daily lessons. Eaton's Intellectual, continued; two lessons a week. Drill class exercises of five minutes each, in written arithmetic, on rapid operations in addition and multiplication.

Geography.—Warren's Intermediate, or Clarke's.* Learning the coarse print and leading map questions. Cornell's Outline maps, continued. Exercises in latitude and longitude of cities and countries on the globe. Outline maps on paper, every two weeks. Two lessons a week in geography, alternating with grammar.

Grammar.—Greene's Introductory, completed. Weekly compositions,

* See note on this text book, page 45.

embracing geographical descriptions, or descriptions of objects, considered under the head of object lessons. No composition on abstract topics. Quackenbos' English Composition, at the option of the teacher, to be used in connection with Greene's Introduction.

Penmanship.—Pupils must now be taught how to write, fold, and address a letter; one letter a week, until the letters are correctly written. Engraved copy books of the Spencerian, or Payson & Dunton's system. Blank books still used for drill exercises. Pupils required to present monthly specimens for examination and credits.

History.—Quackenbos' Primary.

Object Lessons.—One lesson a week, fifteen to thirty minutes. Collection of cabinet specimens continued.

Moral Lessons.—One lesson a week, half an hour.

FIRST GRADE.

Reading.—Wilson's Fourth continued, or Fifth taken up if the class is competent to use it. Two lessons a week.

Spelling.—Wilson's Speller, continued alternately with reading. Written exercises in constructing sentences, according to directions on each page of the Speller.

Arithmetic.—Eaton's Practical, continued. Exercises in writing promissory notes, orders, receipts, and business forms, twice a week, until all the pupils can execute neatly and correctly. Written examination of ten questions, once a month.

Grammar.—Quackenbos'. Pupils required to correct one another's written exercises and compositions, and to rewrite them before submitting to the corrections by the teacher. Grammar alternating with geography. Written examinations monthly.

Geography.—Clarke's, continued. Specimen maps drawn once a month. Written geographical descriptions, and monthly review examinations in writing.

History.—Quackenbos' United States.

Physiology.—Hooker's Larger, alternating with history.

Bookkeeping, in place of writing; Payson & Dunton's Elementary.

Oral Instruction, in State Government, and in Constitution and Government of the United States, rights and duties of citizenship.

Remarks.—In schools numbering fifty pupils, it will probably be found necessary to have two classes in arithmetic and grammar in this grade, and the same in the second. In reading, spelling, and geography, every effort should be made to keep the classes united.

ADVANCED GRADE.

Arithmetic.—Eaton's Practical completed, or High School begun.

Algebra.—Robinson's Elementary, alternating with arithmetic.

Reading.—Declamations and recitations.

Bookkeeping.—Advanced.

Grammar.—Analysis and composition.

Natural Philosophy.—Quackenbos'.

Elementary Drawing.

Geometry.

GENERAL EXERCISES.

The tact and skill of teachers will be shown in the arrangement of the general exercises of the whole school, or for two grades united. Some of these exercises should be as follows: In arithmetic, drill exercises of five minutes in mental examples, at least twice a week; slate and black-board exercises of five minutes in adding columns of figures, for first, second, and third grades together; exercises in four elementary rules.

Declamations for the boys, and select readings or recitations of poetry by the girls, weekly or semi-monthly. Physical exercises daily, such as free gymnastic and other exercises, according to Lewis' or Watson's handbooks.

Spelling matches in oral spelling, uniting the three highest grades. Written spelling in the same manner.

General exercises of three grades in letter writing. Drill exercises of the whole school in penmanship, position at the desk, holding the pen, and elements of letters.

Allowing the pupils of one grade to question those of another on any one of the school studies. Object lesson for the whole school. Singing should be a daily exercise, if possible.

Manners and Morals.—General lessons on such topics as lying, stealing, profanity, intemperance, idleness, industry, honesty, truthfulness, duties to parents, obedience to authority.

Indispensable School Apparatus.—Willson's School and Family Charts, Cornell's Outline Maps, Map of California, a globe, Webster's New Pictorial Dictionary, set of writing charts, numeral frame, set of alphabet blocks, box of geometrical solids, a foot rule and a tape line; gill, pint, and quart measures; ounce, quarter pound, half pound, and pound weights (avoirdupois,) and scales for experiments in weighing, a box of beans or marbles, a school cabinet.

OFFICIAL FORMS AND BLANKS.

No. 1.

Form of notice of the annual election of School Trustees.

ELECTION NOTICE.

Notice is hereby given to the qualified electors of School District, that the annual school meeting for the election of School Trustees will be held on the last Saturday in June, 186..., at the public school house of said district.

The polls will be open between the hours of and

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.....
.....

Dated 186...

School Trustees.

No. 2.

Form of notice or advertisement of a district election under section ninety-eight, Revised School Law, for voting a tax to maintain a free school or to build a school house.

ELECTION NOTICE.

Notice is hereby given to the qualified electors of School District, that an election will be held on the day of, at which will be submitted the question of voting a tax to maintain a free school, (or to build a school house.)

It will be necessary to raise for this purpose the sum of \$....., and the rate of taxation necessary to be levied will be cents upon the one hundred dollars of taxable property in the district.

The polls will be open at the public school house between the hours of and.....

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.....

District School Trustees.

NOTE.—The date must be twenty days before election, and the notice must be advertised in the county paper, if there be one, once a week for three weeks prior to the election. For details, see section ninety-eight, Revised School Law.

No. 3.

Form of District Clerk's receipt, under section one hundred and seven, Revised School Law.

Received of, District Clerk of School District, County of, all records, papers, books, blanks, and documents belonging to said district, and required to be delivered by section one hundred and seven of the Revised School Law.

.....
District Clerk.

No. 4.

Form of receipt of County Superintendent of Common Schools, under section sixteen, clause ninth, Revised School Law.

Received of, Superintendent of Common Schools of County, all documents and records required to be delivered under sections one hundred and seven and sixteen of the Revised School Law.

.....
Superintendent Common Schools.

No. 5.

School Trustee's order upon the County Superintendent of Public Schools.

No..... 186...

The County Superintendent of Public Schools of County will draw a warrant on the County Treasurer, payable out of the

School Fund, for dollars, in favor of or order, on account of during the present school year, in the School District.

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\$.....

School Trustees of District.

No. 6.

County Superintendent's warrant upon the County Treasurer.

No..... 186...

The Treasurer of County will pay from the School Fund to or order, dollars, on account of in School District, during the school year ending August 31, 186...

\$.....

.....
County Superintendent of Public Schools.

No. 7.

Certificate of election of Trustee of Public Schools.

To of, Greeting:

This certifies that you, the said, were, at an election held on the day of June, Anno Domini 186..., chosen to the office of Trustee of Public Schools of District, County of, State of California, and you are, by virtue of said election and qualification, fully authorized and empowered to discharge all the duties of said office, and to exercise all the powers thereto belonging according to law, for three years from and including the first Saturday in September, 186...

.....
Clerk of District School Meeting.

NOTE.—Forward this to the County Superintendent of Common Schools without delay.

OATH OF OFFICE.

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of Public School Trustee for

the School District, in the County of and State of California, according to the best of my ability. So help me God.

.....

Sworn and subscribed to before me, a of the County of and State of California, this day of Anno Domini 186...

.....

NOTE.—This oath may be administered by any one of the Board of District School Trustees. Forward without delay to the County Superintendent of Common Schools.

NOTE.—This oath may be taken before any officer in the State authorized by law to administer oaths.

This certificate is subject to an internal revenue stamp of five cents, to be fixed and cancelled by the person to whom the certificate is issued.



No. 8.

Appointment of Public School Trustee.

In accordance with the power vested in me by the Revised School Law, I hereby appoint you,, a Public School Trustee for the School District, in the County of and State of California, for the term of, to hold said office until the next annual election of School Trustees; and you are, by virtue of this appointment, fully authorized and empowered to discharge all the duties of said office when you shall have taken the oath of office required by law.

.....

County Superintendent of Common Schools, County.

This certificate is subject to an internal revenue stamp of five cents, to be affixed and cancelled by the person making the certificate.

NOTE.—Return the duplicate copy of this appointment, with the oath of office sworn and subscribed to on the back, to the office of the County Superintendent of Public Schools. Oath of office on the back.

[The same oath of office on the back as in form No. 7.]



No. 9.

Appointment of School Census Marshal.

[NOTE.—See Revised School Law, section forty-three.]

We, the undersigned, Trustees of Public Schools for District, in the County of, hereby appoint a School Census Marshal for said district, to take the school census during the month of June in the present year, according to the provisions of section forty-three of the Revised School Law.

You will make a full report in writing, under oath, to the County Superintendent, and deliver a certified copy thereof to the School Trustees of said district, if they require it, on or before the first day of July next after your appointment. You will not fail to make full and correct returns of all statistics required, under penalty of forfeiting all compensation for your services.

Dated.....186... ..
.....
.....

Trustees of Public Schools for District.

No. 10.

Public School Teacher's oath of allegiance.

State of California, }
County of..... } ss.

I do solemnly swear (or affirm) that I will faithfully support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, that I will bear true faith, allegiance, and loyalty to the said Constitution and Government, and that I will, to the extent of my ability, teach those under my charge to love, reverence, and uphold the same, any law or ordinance of any State Convention or Legislature, or any rule or obligation of any society or association, or any decree or order from any source whatsoever, to the contrary notwithstanding; and further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsoever; and I do further swear (or affirm) that I will support the Constitution of the State of California. So help me God.

.....



Subscribed and sworn to before me, this day of
....., one thousand eight hundred and sixty-.....

.....

No. 11.

Agreement between Public School Trustees and a Public School Teacher.

This agreement, made the day of, one thousand eight hundred and sixty-....., between, party of the first part, and the Board of Public School Trustees of School District, in the County of, State of California, parties of the second part,

Witnesseth: That the said, who holds a legal certificate, hereby agrees, for the consideration hereinafter stated, to teach the public school in said district for the term of, commencing on the day of, 186...; and further agrees to enforce the rules and regulations

MISCELLANEOUS.

Grade of school; number of classes in school; date of taking charge of school; date of closing term or year; number of school months in school term or year; monthly salary of teacher, board included; amount of salary received from rate bills; amount of salary received from State and County School Fund; what journals of education have you taken? what State or County Institute attended? were you allowed pay for time in attendance? grade and date of your certificate; number of school visits made by School Trustees; number of school visits made by County Superintendent; number of school visits made by other persons; number of volumes in school library; valuation of school library; have you kept the State School Register as required by law? have you used in school the State series of text books? have you followed the course of study prescribed by the State Board of Education?

I certify that the within report is a true statement of the condition of the public school within mentioned.

(Signed,)
Teacher.

No. 13.

TAKE NOTICE.—This report must be returned to the County Superintendent on or before the *twentieth day of July.*

School Trustee's report of District to the Superintendent of Common Schools of County, from July 1st, 186..., to June 30th, 186..., inclusive.

FINANCIAL REPORT.

Amount of school fund received from the State; amount of school money received from county taxes; amount raised by district tax; amount raised by rate bills or subscription; total receipts from all sources for school purposes; amount paid for teachers' salaries; amount expended for sites, buildings, repairs, and school furniture; amount of school fund expended for school libraries; amount expended for school apparatus; amount expended for rent, fuel, and contingent expenses; total expenditure for school purposes; valuation of school houses and furniture; valuation of school libraries; valuation of school apparatus; total valuation of school property; names of teachers employed during the year; number of months school was maintained during the year; number of volumes in school library; total amount of donations, fees, and fines received for the benefit of the school library; number of new volumes purchased during the year; has the School Register been kept according to law? is a record book kept by the Clerk of the Board of Trustees? are the Trustees and teachers supplied with copies of the Revised School Law? were teachers allowed pay during the time of attendance on County Institutes? have you required the State series of text books to be used in school? have you enforced the rules and regulations of the State Board of Education? have you enforced the course

of study prescribed by the State Board of Education? post office address of the District Clerk.

INSTRUCTIONS TO DISTRICT SCHOOL TRUSTEES.

You are required to fill up the within blanks in accordance with section forty-two of the Revised School Law, and to transmit the same to the County Superintendent of Public Schools on or before the twentieth day of July of each year, and whenever the statistics can be obtained prior to that date, you will confer a favor by forwarding the report at an earlier day.

You must appoint some reliable person as School Census Marshal, and require him to report with absolute exactness.

It is very desirable that the financial statistics herein required should be fully and accurately reported.

For the penalty of neglecting to make out this report in due season, see sections one hundred and nine and one hundred and eleven.

We, the undersigned, Public School Trustees of district and county aforesaid, certify that the within report is a true statement of the condition of the public schools of said district.

.....
.....
.....

School Trustees.

No. 14.

School Census Marshal's Report of census returns for District, County, to the County Superintendent of Common Schools, for the school year ending June thirtieth, eighteen hundred and sixty....

| | | | | |
|------------------------------|---|----------|--|--|
| Names of parent or guardian. | Number of blind children between five and twenty-one yrs. of age | | | |
| | Number of deaf and dumb children between five and twenty-one years of age... | | | |
| | No. of Mongolian children between five and fifteen years of age attending school..... | | | |
| | Number of Mongolian children under fifteen years of age..... | | | |
| | Number of children between five and fifteen years of age who have not attended school at any time during the school year..... | Indian | | |
| | | Negro. | | |
| | | White. | | |
| | Number of children between five and fifteen years of age who have attended private schools at any time during the year..... | Indian | | |
| | | Negro. | | |
| | | White. | | |
| | Number of children between five and fifteen years of age who have attended public schools at any time during the school year | Indian | | |
| | | Negro. | | |
| | | White. | | |
| | Number of children under five years of age..... | Indian | | |
| | | Negro. | | |
| | | White. | | |
| | Number of Indian children between five and fifteen years of age who live under the guardianship of white persons..... | Total.. | | |
| | | Girls... | | |
| | | Boys... | | |
| | Number of Negro children between five and fifteen years of age... | Total.. | | |
| | | Girls... | | |
| | | Boys... | | |
| | Number of White children between five and fifteen years of age... | Total.. | | |
| | | Girls... | | |
| | | Boys... | | |

INSTRUCTIONS TO SCHOOL CENSUS MARSHALS.

You should obtain from the School Trustees, or from the ordinance of the Board of Supervisors, the exact boundaries of your respective districts. For instructions in your duties, see section forty-three of the Revised School Law. You must not fail to take the oath in due form, and deliver, on or before the first day of July, a copy of this report to the County Superintendent of Common Schools, and, if required, a duplicate copy to the School Trustees.

County of, ss. On this day of, A. D. 186...; personally appeared before me, the undersigned, a duly appointed School Census Marshal for School District, whose signature is hereunto subscribed, and being duly sworn according to law, made oath that the facts set forth in the within report are just and true, according to the best of his knowledge and belief.

.....

NOTE.—This oath may be taken before any School Trustee.

AN ACT

TO PROTECT

SHEEP AND CASHMERE AND ANGORA GOATS AGAINST THE RAVAGES OF DOGS.

Approved March 13th, 1866.

*The People of the State of California, represented in Senate and Assembly,
do enact as follows:*

SECTION 1. Every owner, claimant, or keeper of a dog or dogs, of the age of four months or over, shall hereafter pay an annual tax on all dogs owned, claimed, or kept by him or her: for the first male dog, one dollar; for every additional male dog, two dollars; and for every female dog, three dollars.

SEC. 2. It shall be the duty of the County, District, or Township Assessors, as the case may be, at the time of making their annual assessment of real estate and personal property, to ascertain, by diligent inquiry and examination, the names of all persons owning, claiming, or keeping any dog or dogs, and they shall assess all such dogs in the amounts respectively as provided in the first section of this Act, to the person or persons owning, claiming, or keeping the same, and shall make lists and delivery thereof on their annual tax lists or assessment rolls, at the same time and in the same manner as their lists and delivery of other personal property are made and delivered; and the proper officers are hereby empowered and required to collect such tax on dogs in the same mode and manner as other taxes are collected, and pay over the same into the County School Fund.

SEC. 3. Every dog kept or staying at any house shall be deemed sufficient evidence of ownership to authorize the Assessor to return the person inhabiting the house as the owner of such dog; and any person sending his or her dog from house to house or from place to place in order to evade said tax, shall pay double rates therefor; and every dog not so returned shall be deemed to have no owner, and may be lawfully killed by any person seeing the same run at large.

SEC. 4. The owner or owners of any dog or dogs which shall worry, wound, or kill any sheep, Cashmere or Angora goats, shall be liable to the owner or possessor of such sheep, goat, or goats, for the damages and costs of suit, to be recovered before any Court having jurisdiction in the case.

SEC. 5. Any person finding any dog or dogs not on the premises of its owner, worrying, wounding, or killing any sheep, or Cashmere or Angora goats, may kill the same, and the owner thereof shall sustain no action for damages against any person so killing any dog or dogs under such circumstances.

AN ACT

TO TRANSFER

CERTAIN FUNDS TO THE COMMON SCHOOL FUND OF THE
COUNTY OF NEVADA.

Approved December 20th, 1865.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. All moneys derived from the sale of licenses for the vending of spirituous, malt, or fermented liquors, or wines, in quantities less than one quart, and all moneys derived from the sale of travelling merchants', hawkers', or pedlers' licenses in the County of Nevada, shall hereafter be transferred to the Common School Fund of said county, and shall be used and appropriated as a part of such Common School Fund, and for no other purpose whatever.

SEC. 2. This Act shall take effect and be in force from and after its passage.

